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A

COLLECTION

OF ALL SUCH

ACTS

OF THE

GENERAL ASSEMBLY

OF

VIRGINIA

OF A PUBLIC AND PERMANENT NATURE AS HAVE PASSED SINCE TH
SESSION OF 1801:

TO WHICH ARE ADDED

APPENDICES,

CONTAINING

A Compilation of the several Laws for the establishment of the James River, Potowmac, Appomattox, and Dismal Swamp Canal Companies,

Laws concerning the Northern Neck,

Titles of Acts authorising the establishment of Turnpike Roads, and the erection of Toll Bridges,

A Compilation of the several Acts concerning the Mutual Assurance Society against Fire on Buildings,

Acts and Resolutions of a general nature, which were omitted in the revisals of 1794, and 1803,

Laws concerning Waste and Una propriated Lands on the Easte and Western Waters,

Laws establishing Ferries,

Laws concerning the Public Guard

Titles of Private and Local Acts,— And

A Table of Fines, Forfeitures, Pena ties, and Amercements; designati such as are to the use of the Com monwealth; such as go towar lessening the County Levy; such belong to Individuals; and such are appropriated to any particul object.

With a complete Index to the whole.

VOL. II.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY OF VIRGINI
PASSED THE SEVENTH DAY OF JANUARY, ONE THOUSAND EIGHT
HUNDRED AND SEVEN.

Richmond:

PRINTED BY SAMUEL PLEASANTS, JUNIOR,

PRINTER TO THE COMMONWEALTH.

1808.

COPY 3

I DO hereby certify, that I examined, in conjunction with *William Munford*, the proof sheets, as they came from the press, of the CONTINUATION OF THE REVISED CODE OF LAWS, comprised in this volume, except from page (105) to page (120) inclusive, of the Appendix No. IX. printed during his unavoidable absence from Richmond; which edition has been published by *Samuel Pleasants, jun.* pursuant to an act of the General Assembly, passed on the 7th day of January, 1807, entituled, "*An Act authorising Samuel Pleasants, jun. to publish a collection of certain Public Laws of this Commonwealth, and for other purposes*;" that I have carefully compared this edition of the acts with the original laws contained in the several sessions acts, from which they were selected, and have found them to be *truly* and *accurately* printed, except with the variations herein after mentioned, which took place during the absence of *Mr. Munford*, with whom I examined the abovementioned pages after his return. In some few instances, where unimportant typographical errors had occurred in the sessions acts, particularly in those of 1802 and 1803, they have been corrected by a reference to the Inrolled Bills.

The variations above alluded to are the following:

Page (108) of the Appendix No. IX. ch. 18, sect. 1, line 8, for "*thefore*," read *therefore*.

Page (117) ——————————————— line 10 from the top, for "*disability*," read *inability*.

Page (118) ——————————— ch. 29, sect. 1, line 17, for "*Suthampton*," read *Southampton*.

Given under my hand, at Richmond, this 2nd of September, 1808.

WILLIAM WALLER HENING.

I DO hereby certify, that I examined, in conjunction with *William Waller Hening*, the proof sheets, *as they came from the press*, of the CONTINUATION OF THE REVISED CODE OF LAWS, comprised in this volume, except sixteen pages of the Appendix No. IX. being from page (105) to page (120) inclusive, which were printed during my absence from Richmond, and examined *after my return;* that I have carefully compared this edition with the original printed acts of Assembly, of the several sessions, from which its materials were selected, and have found the work truly and accurately printed, except as to the variations mentioned in *Mr. Hening's* certificate. In some instances, typographical errors in the sessions acts have been corrected by a reference to the Inrolled Bills.

Given under my hand, at Richmond, this 2nd day of September, 1808.

WILLIAM MUNFORD.

PREFACE.

IN a government emanating from the people, whose will, expressed in the form of laws, is the only *sovereign*, it must necessarily follow, that those laws will be numerous. If a doubt exist with respect to the meaning of a statute, which cannot be removed by the judges according to settled rules of interpretation, or, if it be defective, the explanation in the one case, or the amendment in the other, can only be made by the legislative authority, vested in the representatives of the people. Not so, in a despotic government, where the *will of the prince*, supplies the *defects of the law*, and *his dictum* is regarded as the law itself. Yet, strange as it may appear, how often have we heard the *concise* code of Frederick of Prussia extolled as a model worthy of imitation! How often has a wish been expressed by some of those living under our *free government*, that our code of laws should be assimilated to his! Is there a man who, upon serious reflection, would consent to give up his *liberty* with his *volumes of laws*, and become a *slave* that he might be governed by a *concise code?* Would he be willing to exchange the right of *self-government* for a *despotism?* Such would be the effect of yielding to a system of legislation which substitutes the will of an individual for the voice of the people.

That spirit of liberty which caused thousands of our ancestors to migrate to this western world, was very early manifested in their laws. And, notwithstanding the restrictions imposed by the British government on the colonial legislatures, and the severe conflicts which frequently arose, respecting the prerogative of the kings of England, and the rights of the people of America, in matters of self-government, the legislature of Virginia, lost no opportunity in providing a code of laws adapted to the situation of the country.

From the year 1619, when the first legislature met in Virginia, to the present time, our laws have been various and complicated. This produced the necessity of having frequent revisals; some of which, being made before any printing presses were introduced in America, have remained till this day in manuscript. Those in print are, *Purvis's* collection, published in London, (supposed in the year 1682,) and the editions of 1733, 1752, 1769, 1785, 1794, and 1803. In some of those collections all the acts relating to the same subject were consolidated into single bills, by a committee of revisors, and re-enacted by the legislature: but in others, there was a mere compilation of the acts of a public nature then in force.

The last revisal of our laws, came down to the end of the session of 1801; since which period, a variety of public acts of great importance have been passed. These form in the present collection, ONE HUNDRED AND THIRTY-TWO CHAPTERS, which are dispersed through the different sessions acts. When it is considered, that upwards of one thousand magistrates in Virginia, appointed within the last four years, have been but partially furnished with those sessions acts, and that none of them have the aid of a complete and general INDEX, the utility and even necessity of this compilation must be obvious.

But the continuation of the Revised Code, so far as it respects a collection of the acts of a public and permanent nature, is far from being the most valuable part of the publication. The appendices at the end of the volume, it is believed, will be found to contain matter of equal importance with that in the body of the work; which additional matter, is the more valuable, as it has hitherto been of more difficult access.

Laws relating to subjects, in which either the state or a great proportion of its citizens have an interest, should form a part of every revisal. This rule was so strictly observed in all the editions of our laws prior to that of 1794, that even the acts concerning *particular rivers*, with many others, on subjects merely local were inserted. The laws, in this collection, which come within the general principle just laid down, are those FOR THE ESTABLISHMENT OF THE JAMES RIVER POTOWMAC, APPOMATTOX, AND DISMAL SWAMP CANAL COMPANIES, in all of which, the state holds a number of shares; those concerning the NORTHERN NECK, (a considerable portion of the state, and part of the laws relating to which were regularly inserted in the editions of 1752, 1769, 1785, and 1794, but all those passed since 1785 were omitted;) those AUTHORISING THE ESTABLISHMENT OF TURNPIKE ROADS, AND THE ERECTION OF TOLL BRIDGES; CONCERNING THE MUTUAL ASSURANCE SOCIETY AGAINST FIRE ON BUILDINGS; RELATING TO WASTE AND UNAPPROPRIATED LANDS ON THE EASTERN AND WESTERN WATERS; ESTABLISHING FERRIES; and CONCERNING THE PUBLIC GUARD; all of which, are here digested and arranged under their respective heads. To these are added, A LIST OF TITLES OF PRIVATE AND LOCAL ACTS, passed since the October session of 1783; a TABLE OF FINES, FORFEITURES, PENALTIES AND AMERCEMENTS, designating to whose use respectively appropriated; and a collection of acts of a *general nature* OMITTED in former editions.

It may at first view excite some degree of surprize, that so many acts and resolutions, of a public and permanent nature, should have been omitted in the editions of 1794, and 1803; but the history of those revisals will readily account for it. In the session of 1789, *(a)* the legislature passed an act, providing for a new edition of the laws of this commonwealth, which was amended at the next session, *(b.)* A difference of opinion having arisen among the revisors as to the objects of the legislature with respect to one branch of their duty, a resolution was adopted at the session of 1791, declaring that it was the intention of the legislature, in assigning that particular duty to the revisors, " that the several laws existing on the same subject should be consolidated into single bills, but that no " new matter should be introduced into the system." *(c.)* In conformity with this construction, the revisors digested a code of laws, introducing under one title the several acts relating to the same subject. These were prepared in the form of bills, and reported to the legislature, in two volumes, at their session of 1792. The subject of the revisal was taken up during the same session; and several of the bills, (some with amendments, and some without,) were re-enacted into laws. But the legislature, not having time to go through the whole of the bills as reported by the revisors, directed that certain laws formerly enacted should be published in the Revised Code, by their *specific titles*. *(d.)* The consequence of which was, that nothing could be inserted in those acts, when republished in the Revised Code, but what before existed in them, under the titles by which they were particularly directed to be published, though some parts had been repealed by subsequent acts, under different titles; and thus all the matter collected by the revisors, from various other acts on the same subjects, was omitted. For example: the act " *concerning election of members of General Assembly*," was one of those directed to be published by its *title*. It is accordingly inserted in the Revised Code, as it passed in the year 1785, *(e.)* By the 22nd sect. of that act, it is declared, that " Every act of the General Assembly, hereafter to be made, shall commence and

(a) See Appendix No. IX. p. (104.)—*(b)* Ibid. p. (108.)—*(c)* Ibid. p. (113.)
(d) See Revised Code, vol. I. ch. 149, p. 292.—*(e)* Ibid. ch. 17, p. 19.

"be in force from the *passing thereof*, unless in the act itself another day for th
"commencement thereof be particularly mentioned; and, in the former case, th
"day of passing thereof, shall be noted next after the title." In 1789, *(four years afterwards,)* *(f)* an act passed, the 2nd section of which, declares, that, "Every "act passed during any stated annual session, shall commence in force on the *first "day of March*, then next ensuing, unless, in the act itself, another day be particularly mentioned for the commencement thereof." The committee of revisors reported a bill, the title of which, was, "*A Bill concerning election of members of General Assembly;* AND DECLARING WHEN ACTS OF ASSEMBLY SHALL COMMENCE IN FORCE," *(g.)* In this bill, they retained such parts of the act of 1785 as were in force, and particularly substituted the 2nd section of the act of 1789 for the 22nd section of the act of 1785. *(h.)* But when the act of 1785 was republished from its *title*, the 22nd section was, of course, retained, and the 2nd section of the act of 1789 rejected. The above is but one, among many instances, in which laws in force were omitted in the Revised Code, from the peculiar mode of publication.

Another circumstance which produced many omissions was this: The legislature, in providing for a republication of the laws by the act of 1792, *(i)* directed that the Declaration of Rights, and Constitution of this Commonwealth, should be prefixed to the Code; that certain acts should be published from their *titles;* and that these, together with the laws, as *revised and enacted* during that session, should be printed; but, with respect to the acts of a public nature *originally passed* at the session of 1792, the law was silent. This edition was not printed till the year 1794; and, though it purported to contain all the *public* acts from 1792, to 1794, inclusively, yet it will be found, that some of those which, for the *first time*, passed at the session of 1792, were omitted, as well as others of 1793, and 1794. An act of 1792, *To amend* "*An act authorising the Executive to direct the sheriffs to "sell certain lands the property of the commonwealth*," and another, "*To provide "more effectually for the collection of the public taxes in certain cases*," which were omitted in the edition of 1794, were very properly introduced into the appendix to that of 1803, *(k.)* But the acts for "*arranging the counties into districts, to choose representatives to congress*;" "*repealing the act providing a sinking fund "for the gradual redemption of the public debt*;" "repealing so much of a former law as prohibited the sale of goods, wares and merchandizes, at *public vendue;*" and "*for appointing electors to choose a President and Vice Pressident of the United "States*," were omitted in both editions. They are therefore inserted in this, *(l.)* Until the act of 1792, a law was in force which prohibited, under severe penalties, the sale of goods at auction.—It is only by the 2nd section of the act of the same session, for appointing electors to choose a President and Vice President of the United States, that the *time* is *positively* fixed for the people to meet, to vote for electors; the act of 1803, *(m)* only declaring, that the persons qualified to vote for electors, under the "*act for appointing electors to choose a President and Vice President of the United States*," shall each hereafter vote for twenty-four electors, without saying *at what time* they are to meet for that purpose.

The edition of 1803 contained all the laws in that of 1794; and continued down the public acts to the end of the session of 1801; besides some acts of a public nature inserted in the appendix.

(f) See Appendix No. IX. p. (104,) sect. 2.—*(g)* See Revised Bills, 1792, vol. I. p. 7.—*(h)* Ibid. sect. 25, p. 12.—*(i)* See Revised Code, vol. I. ch. 149, p. 292, s. 1, 4.—*(k)* See Revised Code, vol. I. Appendix, ch. 5, p. 453, and ch. 6, p. 454. —*(l)* See Appendix No. IX. p. (114.) (118.)—(am) See ch. 31, p. 31, of this vol.

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would be useless here to enumerate all the acts of a public nature which have omitted in the late revisals, as an inspection of Appendix No. IX. to this ne will exhibit them at one view. Two of those acts are, however, of such ral importance, that it is deemed proper to notice them more particularly. By t passed in 1794, entituled, "*An act to amend the act prescribing the mode of taining the taxable property within this commonwealth, and of collecting the revenue*," *(n)* there was a legislative exposition of the 35th section of the act, as it passed in 1792, *(o)* by which, it was declared, that no land should emed forfeited for the non-payment of taxes, unless the returns and notices ribed by the 34th section of the same law had been made and given. In 1796, ıer act passed, declaring, that "*all entries thereafter made shall become void, less surveyed within two years after their date, and the lands subject to another ation*," *(p.)* Both of these acts were omitted.

nong the laws inserted under the title of "OMITTED ACTS," there are some h have been superseded by acts subsequently passed; but still, as *rights have ted* under them, and they are of general concern, it was deemed expedient to ı them. Such are all the laws, relating to the sale of lands for the non-ıent of taxes.

ıe collecting under one head the several laws *concerning waste and unapproed lands on the Eastern and Western waters* will prevent the necessity of a ious examination into this intricate branch of our statutes, whenever it may ecessary to recur to it.

list of titles of private and local acts (which had never been omitted till the on of 1794,) is given, to aid the researches of those who may have occasion fer to a law not to be found in any *collection* of public acts.

ut the most difficult, and, it is presumed, not the least useful, part of the com- ion, has been the TABLE OF FINES, FORFEITURES, PENALTIES AND AMERCE- TS, designating to what uses respectively appropriated. A collection of this has long been much wanted: for, while it will have a tendency to guard the le against incurring the penalties of the law, it will direct the right appli- ın of fines, whenever they shall be imposed. If the value of this part of the might be estimated by the time which it has taken to prepare it, the compiler ld rate it at very little short of the price of the whole book.

he whole of this volume, according to the original plan, had been printed off re the meeting of the last legislature; but the publication was suspended, in r to introduce the acts of the last session of the General Assembly; since h, some additional heads have been inserted; particularly the LIST OF TITLES RIVATE AND LOCAL ACTS. To the whole, is subjoined, a very copious x, referring to the *section* as well as the *page*; in the compilation of which, h time and labour have been bestowed, as may readily be inferred from the ımstance of its containing EIGHTY EIGHT pages.

he publisher having embarked a large capital in this work, his own interest, ell as the importunities of the public, would have induced him to complete it ırly as possible. If the publication has been delayed longer than was originally emplated, he feels confident, that more than an adequate compensation will be ded by the additional matter contained in the volume.

See Appendix No. IX. p. (125.)—(*o*) See Revised Code, vol. I. ch. 83. p. 134.—(*p*) See Ap- ix No. IX. p. (129.)

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the sixth day of December, one thousand eight hundred and two.

CHAP. I.

*An Act authorising the several county and corporation courts within this commonwealth, to appoint one or more Master Commissioners for each of the said courts.**

[Passed December 22, 1802.]

1. BE *it enacted by the General Assembly*, That the several county and corporation courts within this commonwealth shall appoint one or more master commissioners, resident within their county or corporation; and in all cases in chancery therein depending, in which it may be deemed necessary to refer the accompts of the parties litigant to a commissioner, the said courts shall direct one of the said commissioners to examine, state and return the same, with his report thereon to the court, and shall cause a reasonable allowance for his services to be taxed in the bill of costs.

County and corporation courts to appoint master commissioners.

Their duty.

Allowance for services.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. II.

An Act more effectually to prevent malicious and vexatious suits.†

[Passed January 2, 1803.]

1. THE more effectually to prevent malicious and vexatious suits, *BE it enacted by the General Assembly*, That the several district, county and corporation courts within this commonwealth, shall have power and are hereby authorised on good cause to them respectively shewn, to compel the plaintiff or plaintiffs, in all actions of trespass, assault and battery and slander, to give security for the payment of costs in such action, and on failure to give such security within a reasonable time to be fixed on by the court, it shall be lawful for such court, and they are hereby directed to dismiss the same with costs: *Provided*, That nothing herein contained shall be so construed as to prevent poor persons from instituting suits as heretofore.

Plaintiffs to give security.

On failure, suits to be dismissed with costs.

2. This act shall commence and be in force from and after the first day of May next.

Commencement.

CHAP. III.

An Act raising the salary of the Clerk of Accounts in the Auditor's Office.

[Passed January 7, 1803.]

1. BE *it enacted by the General Assembly*, That the auditor of public accounts issue a warrant on the treasury for the dif-

Clerk of accounts salary raised.

* Amended by act of 1805 as to the collection of their fees, &c.—see post ch. 67—see, also, Rev. Code, vol. 1, ch. 64, sec. 57, pa. 68, and ch. 298, sec. 9, pa. 429, as to the appointment of commissioners in the superior courts of chancery. *Ibid*, ch. 114, sec. 3, pa. 216, as to the collection of their fees. Post ch. 103, sec. 1 and 7, as to taking accounts in vacation and fees for copies of papers.

† See Revised Code, vol. 1. ch. 76, sec. 16, pa. 109.

1802.

ference of salary formerly received, and that which was received since the first of January, one thousand eight hundred and two, amounting to fifty-one dollars, sixty-six cents, each quarterly payment, to Joseph Jackson, clerk of accounts in the auditor's office; and that the salary of the clerk of accounts be, and the same is hereby raised equal to that received by the first clerk in the said office. *(a)*

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. IV.

*An Act to provide more effectually for the collection of fines for the use of the Commonwealth.**

[Passed January 12, 1803.]

Clerks of the general and district courts to transmit lists of fines to sheriffs and likewise to the auditor.

1. BE *it enacted by the General Assembly*, That if the clerk of the general court, or the clerk of any district court, shall fail to transmit to the sheriffs, lists of fines imposed by the said courts to the use of the commonwealth, or to transmit copies thereof to the auditor of public accounts, as now required by law; or if no such fines shall be imposed by such courts within the year preceding the period before which he ought to transmit such lists, and such clerk shall fail to certify to the auditor accordingly, he shall, for every such failure, forfeit and pay one hundred and fifty dollars, to be recovered by the auditor of public accounts on motion in the general court, to be applied to the use of the commonwealth, upon the parties having ten days previous notice of such motion.

Penalty for neglect of duty and how recovered & appropriated.

Clerks of the county and corporation courts subject to the same duty, &c. as clerks of the general and district courts.

2. *And be it further enacted*, That the clerks of the several county and corporation courts, shall annually, before the last day of January, instead of the first of July, transmit to the sheriffs a list of all fines imposed by their respective courts in the year next preceding, to the use of the commonwealth, and certify copies of such lists to the auditor of public accounts; and the said sheriffs shall collect, levy and account for the said fines in the same manner and upon the same conditions, and be liable to the same penalties for failure therein, recoverable in like manner, as if they had been imposed by the general court, or a district court,

How fines collected and not paid into the treasury may be recovered.

3. *And be it further enacted*, That all fines heretofore collected by the sheriffs of this commonwealth, or by any attorney prosecuting for the commonwealth, and which shall not be paid into the treasury on or before the first day of January next, shall be recoverable by the auditor, on motion in the general court, in the same manner as is directed by law for the recovery of the public taxes.

Clerks to issue writs against delinquents.

4. *And be it further enacted*, That the clerk of any court imposing a fine to the use of the commonwealth, shall, immediately after the term at which such fine was imposed, issue a writ of fieri facias or capias ad satisfaciendum against the defendant or delinquent for the amount of such fine, which execution shall be directed, levied and accounted for as in other cases of executions on behalf of the commonwealth, and in every such case, the clerk shall note in his list of fines, that execution did issue for such fine or fines.

Commencement.

5. This act shall be in force from the passing thereof.

(a) See Revised Code, vol. 1, ch. 212, pa. 368.

* See R. Code, v. 1, ch. 65, pa. 71, sec. 17—ch. 66, pa. 83 sec. 63—ch. 67, pa. 93, sec. 74. This act further amended by act of 1805—see post ch. 76—see also, post ch. 24, sec. 3.

CHAP. V.

1802.

An Act for altering the time of holding Elections.†

[Passed January 13, 1803.]

Days for holding elections.

1. BE *it enacted by the General Assembly*, That the elections of the members of the legislature of this commonwealth, and of the members of the house of representatives of the United States, to which this state is entitled, shall be held in the several counties and corporations, on their respective court days in the month of A-

Officers conducting elections, where and what time to meet.

1. The meeting of the returning officers conducting the elections of senators, shall be within five days, *(a)* and of members of congress, within ten days *(b)* after the last day of said elections, at the courthouse of the county, the name of which is first mentioned in the law describing the district, and the said returning officers shall in all respects be governed by the rules and regulations at present established by law.

A freeholder shall only give one vote in a district for a senator or member of congress.

2. *Be it further enacted*, That no freeholder shall vote more than once for a senator or member of congress in the same district, at any one election.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. VI.

*An Act for the distribution of Arms in certain cases.**

[Passed January 13, 1803.]

Preamble.

1. WHEREAS the distribution of arms to certain towns has not been deemed completely adequate to the purpose intended, and the security of the good people requires, that some further steps should be taken, to enable them effectually to defend themselves in certain emergencies.

Executive to distribute arms

2. *Be it therefore enacted*, That the governor with the advice of the council of state, be, and he is hereby authorised, at his discretion, to arm such volunteer companies, and troops of cavalry, being complete, as from their particular situation may require it.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. VII.

An Act to amend an act, entitled "An act to impose certain taxes on law process, and for other purposes."‡

[Passed January 14, 1803.]

Preamble.

WHEREAS it is represented to this general assembly, that sundry notaries public have failed to account for and pay into

† See R. Code, vol. 1, ch. 17, page 19—chap. 232, page 379.—chap. 250, pa. 391.

(a) Formerly 20 days. See Revised Code, vol. 1, chap. 17, sec. 8. Afterwards altered to 5 days. See Revised Code, vol. 1, chap. 250, sec. 5.

(b) Formerly 8 days. See Revised Code, vol. 1, chap. 304, pa. 433, sec. 4.

* See Revised Code, vol. 1, chap. 263, pa. 400, as to the distribution of arms among the militia. Also, acts of 1803, post chap. 36, sects. 57,58, 59, 60, 61, 62—further provision for the distribution of arms by act of 1805, post chap. 84—see also, post chap. 112. Arms to be distributed to certain towns by act of 1806, chap. 45, pa. 24.

‡ Some of the provisions of this act being of a permanent nature, it was thought best to publish the whole law.

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on good security, as at their discretion may seem best for the public interest; to which agent, in either case, the executive may make a reasonable compensation, to be raised out of the money arising from the sale of such land, where the same is sold for cash; or otherwise out of the public treasury,

Agents' compensation.

5. And whereas by an act passed the thirtieth November, one thousand seven hundred and ninety-two, it was intended, that a fine should be inflicted on sheriffs and others, authorised to levy executions on behalf of the commonwealth, and failing so to do according to law, and the said act being found defective; for remedy thereof, *Be it enacted*, That all sheriffs, coroners or other persons, authorised to levy executions of any kind, on behalf of the commonwealth, and failing so to do according to law, shall forfeit and pay to the commonwealth, fifteen per centum on the amount of such execution, to be recovered by the auditor, on behalf of the commonwealth, by motion in the general court, giving ten days previous notice thereof.

Forfeiture for officers failing to levy executions on behalf of the commonwealth.

Writs of fieri facias against public debtors to be levied first on goods and chattels, and in case of a deficiency on their lands.

6. *And be it further enacted*, That in all cases of writs of fieri facias against the lands and tenements, goods and chattels, of any public debtor, that it shall be the duty of the sheriff or coroner to levy the same on the goods and chattels, in the first instance, and if no goods and chattels can be found, or not a sufficiency to satisfy the said execution, that then the said sheriff or coroner shall proceed to satisfy the said execution by levying it on the lands and tenements of such debtor.

CHAP. XI.

*An Act to compel the attendance of witnesses before a single Justice of the Peace.**

[Passed January 22, 1803.]

Witnesses compelled to attend before a single justice.

1. BE *it enacted by the General Assembly*, That when any person who shall be summoned as a witness to attend before any justice of the peace, in any county or corporation within this commonwealth, to give evidence in any matter depending before such justice, shall fail to attend accordingly, not having a reasonable excuse for such failure, such witness shall be fined by the justice by whom the summons was issued, two dollars *(a)* for the use of the party for whom such witness was summoned, and the witness so failing, shall farther be liable to the action of the party for all damages sustained by his or her non-attendance; but if sufficient cause of his or her inability to attend, be shewn to the said justice at the time he or she ought to have appeared, or at any time within one month after, (the said witness being first served with a copy of the order imposing such fine) then no fine shall be incurred by such failure.

Forfeiture for non-attendance.

Compensation for attending.

2. *And be it further enacted*, That every witness summoned and who shall attend to give evidence as aforesaid, and being an inhabitant of the same county, shall be paid by the person or persons at whose suit the summons issued, twenty-five cents for every day's

* Amended, post chap. 96.—See also post chap. 88, sec. 9, by which magistrates may issue executions and subpœnas for witnesses, directed to the constable or other officer of any county or corporation in the state.

(a) Extended to *five* dollars, by act of 1806—see post chap. 96.

attendance upon such summons, and every person residing in and summoned out of another county, shall have the said allowance of twenty-five cents per day for attendance, and three cents per mile for travelling to the place of attendance, and the same for returning, besides ferriages, to be charged to the person or persons at whose request such witness was summoned, which sum shall be taxed in the bill of costs of such suit, and finally recovered against the party who may be cast in such suit: *Provided nevertheless*, that the attendance of not more than one witness to each particular fact shall be so taxed. Such witnesses shall be privileged from arrest in all cases except treason, felony and breaches of the peace, in the same manner as witnesses attending the courts of this commonwealth are.

Only one witness to each fact.

Witnesses free from arrest.

3. This act shall be in force from and after the first day of May next.

Commencement.

c. XI.

CHAP. XII.

An Act providing Seals for the District Courts.

[Passed January 22, 1803.]

1. BE it *enacted by the General Assembly*, That it shall be the duty of the executive, and they are hereby required, to procure or cause to be made, as soon as convenient, a seal of such metal and with such device as they shall think proper, for the use of each district court within this commonwealth, which shall be deposited with the clerk of such court; and on each certificate under every such seal, there shall be paid to the clerk, a tax of one dollar, and a fee to himself of twenty-five cents. And the said clerks shall account for the taxes by them received under this act, in the same manner, and under the same penalties, as for taxes on law process.

Executive to provide seals for the district courts.

Every certificate under such seal to be taxed and accounted for by the clerks.

2. This act shall be in force from the passing thereof.

Commencement.

CHAP. XIII.

An Act for confirming and establishing the boundary line between this state and the state of Tennessee, as ascertained and adjusted by certain commissioners.

[Passed January 22, 1803.]

1. WHEREAS the commissioners appointed to ascertain and adjust the boundary line, between this state and the state of Tennessee, in conformity to the resolution passed by the legislature of this state, for that purpose, have proceeded to the execution of the said business, and made a report thereof, in the words following, to wit: "The commissioners for ascertaining and adjusting the boundary line between the states of Virginia and Tennessee, appointed pursuant to public authority on the part of each, namely: General Joseph Martin, Creed Taylor, and Peter Johnston, for the former, and Moses Fisk, general John Sevier and general George Rutledge, for the latter, having met at the place previously appointed for that purpose, and not uniting, from the general result of their astronomical observations, to establish either of the former lines called Walker's and Henderson's, unanimously agreed, in order to end all controversy respecting the subject, to run a due west line equally distant from both, beginning on the summit of the mountain generally known by the name of the White-top mountain, where

Preamble.

Line agreed upon.

1802.

the northeastern corner of Tennessee terminates, to the top of the Cumberland mountain, where the southwestern corner of Virginia terminates, which is hereby declared to be the true boundary line between the said states, and has been accordingly run by Brice Martin and Nathan B. Markland, the surveyors duly appointed for that purpose, and marked under the directions of the said commissioners, as will more at large appear by the report of the said surveyors, hereto annexed, and bearing equal date herewith.

Commissioners agree to recommend the passing of laws to secure titles to lands.

2. The commissioners do further unanimously agree, to recommend to their respective states, that individuals having claims or titles to lands on either side of the said line, as now fixed and agreed on, and between the lines aforesaid, shall not in consequence thereof, in any wise be prejudiced or affected thereby; and that the legislatures of their respective states, should pass mutual laws to render all such claims or titles, secure to the owners thereof.

Recommending laws to confirm the acts of officers.

3. And the said commissioners do further unanimously agree, to recommend to their states respectively, that reciprocal laws should be passed, confirming the acts of all public officers, whether magistrates, sheriffs, coroners, surveyors or constables, between the said lines which would have been legal in either of the said states, had no difference of opinion existed about the true boundary line.

To be ratified by the legislatures.

4. This agreement shall be of no effect, until ratified by the legislatures of the states aforesaid, respectively, and until they shall pass mutual laws for the purposes aforesaid. Given under our hands and seals at William Robertson's, near Cumberland Gap, December the eighth, eighteen hundred and two.

JOS. MARTIN,	(L. S.)	MOSES FISK,	(L. S.)
JOHN SEVIER,	(L. S.)	PETER JOHNSTON,	(L. S.)
CREED TAYLOR,	(L. S.)	GEORGE RUTLEDGE,	(L. S.)

Certificate of the surveyors appointed to run the line.

5. And whereas Brice Martin and Nathan B. Markland, the surveyors duly appointed to run and mark the said line, have granted their certificate of the execution of their duties, which certificate is in the words following, to wit: "The undersigned surveyors, having been duly appointed to run the boundary line between the states of Virginia and Tennessee, as directed by the commissioners for that purpose, have, agreeably to their orders, run the same, beginning on the summit of the White-top mountain, at the termination of the northeastern corner of the state of Tennessee, a due west course to the top of the Cumberland mountain, where the southwestern corner of the state of Virginia terminates, keeping at an equal distance from the lines called Walker's and Henderson's, and have had the new line run as aforesaid, marked with five chops in the form of a diamond, as directed by the said commissioners. Given under our hands and seals, this eighth day of December, eighteen hundred and two.

B. MARTIN, (L. S.) NAT. B. MARKLAND, (L. S.)

And it is deemed proper and expedient, that the said boundary line so fixed and ascertained as aforesaid, should be established and confirmed on the part of this commonwealth:

Line as established, ratified.

6. *Be it therefore enacted by the General Assembly of the Commonwealth of Virginia*, That the said boundary line between this state and the state of Tennessee, as laid down, fixed and ascertained by the said commissioners above named, in their said report above recited, shall be, and is hereby fully and absolutely, to all intents and

purposes whatsoever, ratified, established and confirmed on the part of this commonwealth, as the true, certain and real boundary line between the said states. 1802.

7. All claims or titles to lands derived from the government of North Carolina or Tennessee, which said lands by the adjustment and establishment of the line aforesaid, have fallen into this state, shall remain as secure to the owners thereof, as if derived from the government of Virginia, and shall not be in any wise prejudiced or affected in consequence of the establishment of the said line. Titles to land granted by N. Carolina & Tennessee confirmed.

8. The acts of all public officers, whether magistrates, sheriffs, coroners, surveyors or constables heretofore done or performed in that portion of territory between the lines called Walker's and Henderson's lines, which has fallen into this state by the adjustment of the present line, and which would have been legal if done or performed in the states of North Carolina or Tennessee, are hereby recognised and confirmed. Acts of officers confirmed.

9. This act shall commence and be in force, from and after the passing of a like law on the part of the state of Tennessee. Commencement.

CHAP. XIV.

*An Act more effectually to restrain the practice of Negroes going at large.**

[Passed January 25, 1803.]

1. BE *it enacted by the General Assembly*, That from and after the commencement of this act, every free negro or mulatto, who resides in any county in this commonwealth, shall be registered and numbered in a book to be kept for that purpose by the clerk of the court of the said county, which register shall specify the age, name, color and stature of such free negro or mulatto, together with any apparent mark or scar, on his or her face, head or hands, and in what court he or she was emancipated; or that such negro or mulatto was born free. A copy of the said register, signed by the clerk and attested by one justice of the peace of the county wherein such register shall be made, shall be delivered to the said negro or mulatto, on application, for which copy the clerk may demand and receive twenty-five cents, to be paid by the person receiving the same. Free negroes & mulattoes to be registered. ☞ How to be registered in towns—see Rev. Code, vol. 1, ch. 163, pa. 315. Clerk's fee.

2. *Provided always*, That the clerk shall in no case grant a copy of such register, until the court of the county in which such free negro or mulatto resides, shall have certified that such register has been truly made. Proviso.

CHAP. XV.

An Act to amend the several acts heretofore made, to prevent unlawful gaming.†

[Passed January 25, 1803.]

1. WHEREAS the several laws heretofore made to prevent unlawful gaming have been found extremely beneficial in many respects, yet their salutary effects have in some instances been evaded by the subtilty and ingenuity of gamblers, and other disorderly persons, who for the most part make their living by en- Preamble.

* See Revised Code, vol. 1, chap. 163, sec. 5, 6, 7, 8, chap. 283, sec. 5, 6, pa. 413.

† See Revised Code, vol. 1, chap. 96, page 174—chap. 221, page 373.

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1802.

shoot another with intention in so doing, to maim, disfigure, disable or kill, such other person, every such offender, his or her aiders, abettors and counsellors, shall be sentenced to undergo a confinement in the jail or penitentiary house, for any time not less than two, nor more than ten years; and shall moreover, pay a fine not exceeding one thousand dollars, three-fourths whereof shall be for the use of the party grieved.

Party grieved a lawful witness.

4. *And be it further enacted*, That any party grieved under this act, or under the act passed the fifteenth of December, one thousand seven hundred and ninety six, entituled, "An act, to amend the penal laws of this commonwealth," shall be considered as a competent witness to prove any offence committed against either of the said acts, or any part thereof.

High treason punished by death.

5. *And be it further enacted*, That any person who shall be guilty of the crime of high treason, his or her aiders, abettors and counsellors, shall, on conviction thereof, be adjudged a felon, and suffer death by hanging by the neck.

Slaves not affected.

6. This act shall not extend to any case of a slave accused or convicted of any of the offences herein mentioned.

Repealing clause.

7. All acts and parts of acts coming within the purview of this act, shall be and the same are hereby repealed.

Commencement

8. This act shall commence and be in force from and after the first day of April next.

CHAP. XVII.

*An Act to amend the Laws concerning Sheriffs and other Officers.**

[Passed January 28, 1803.]

How the fees of sheriffs, &c. in the hands of sheriffs & sergeants may be collected

BE *it enacted by the General Assembly*, That if any sheriff or sergeant, shall refuse to account for or pay the whole amount of sheriffs, sergeants or coroners fees, put into his hands for collection, after the deduction of six per centum for collecting, together with an allowance of what is charged to persons not dwelling or having no visible estate in his county or corporation, on or before the last day of May in every year, it shall and may be lawful for the sheriffs, sergeants and coroners, their executors or administrators, in the district court, or in the court of the county of such sheriff, or in the court of the corporation of such sergeant, to demand judgment against such sheriff or sergeant, his executors or administrators, for all fees wherewith he shall be chargeable, and such court is hereby authorised and required to give judgment accordingly, and to award execution thereupon; *Provided*, the sheriff or sergeant, his executors or administrators have ten days previous notice of such motion.

Statements to be made on executions returned.

2. *Be it enacted*, That all sheriffs, coroners, sergeants of corporations and constables, shall, respectively, in returning all executions by them levied or settled, and the monies thereon received, or any part thereof, make a statement on every such execution of the amount thereof, including their own fees and commissions, and return the same with the execution to the office from whence it issued.

* See Revised Code, vol. 1, ch. 80, pa. 120, as to the appointment and duties of sheriffs. By act of 1803, post ch. 43, securities of sheriffs subjected to motions in certain cases. See also, post ch. 97.

1802.

3. *And be it further enacted*, That in all cases where any sheriff or other officer is by law required to return to any court, the copy of a bail bond by him taken, it shall hereafter be lawful for the said sheriff or other officer to return the original bail bond.

When bail bonds are required, the original instead of a copy to be returned.

4. This act shall be in force from the passing thereof.

Commencement.

CHAP. XVIII.

*An Act to impose taxes for the support of Government.**

[Passed January 28, 1803.]

1. BE *it enacted by the General Assembly*, That the public taxes for the year one thousand eight hundred and two, shall be

Taxes imposed.

* The taxes imposed by this act were first established, in the session of 1798. They have continued nearly the same ever since; and the law imposing them was re-enacted in the sessions of 1799, 1800, 1801, 1802, and 1803, with very little variation either in the form or substance; though many of its provisions, as to the collection of the taxes, might easily have been made permanent. In the session of 1804, a collision took place between the senate and house of delegates, with respect to the constitutional right of the former to amend *money bills*. The following is a short sketch of their proceedings:—The house of delegates passed a bill "To impose taxes for the support of government," which was copied verbatim from the revenue act of the preceding year; (see journal of the house of delegates of 1804, page 99.) This bill was rejected by the senate, without assigning any reason, at the time, for its rejection. (Journal of the senate, 1804, page 70.) It having been suggested that the cause of the senate's rejecting the bill was, that it incorporated subjects which related to the collection of the revenue, and was not confined to the mere imposition of taxes, the house of delegates separated the subject matter of the first mentioned bill, and passed two other bills, one under the same title with the first, which comprehended the whole of it to the end of the fifth section, as it had before passed the house of delegates this session and the legislature the preceding year, (acts of 1803, ch. 3, pa. 9;) the other entituled "An act for the more effectual collection of taxes," which included the residue of the first mentioned bill. (Journ. of the house of delegates, pa. 107.) The second bill sent up to the senate, entituled "An act to impose taxes for the support of government," was also rejected by them; upon which they entered into several resolutions declaring their constitutional power of amending every bill originating in the house of delegates, except such as *impose taxes only*; and because this bill comprehended different subjects, and thereby deprived the senate of their constitutional right to amend such parts as did not relate to the imposition of taxes, it was unanimously rejected by them. (Journ. sen. page 77.) These resolutions were opposed by others entered into by the house of delegates, denying the constitutional power contended for by the senate. (Journal of the house of delegates, page 113.) Another bill was introduced into the house of delegates, "Providing for the support of government, by the imposition of taxes," which included the mere laying of the taxes, (Journal of the house of delegates, page 111;) which was passed by the senate. (Journ. sen. page 81.) Under the title of the bill "For the more effectual collection of taxes," sent up by the house of delegates with the second bill "To impose taxes for the support of government," the senate proposed as amendments such parts of the last mentioned bill, as had any relation to the collection of the taxes. (Journ. sen. page 82.) When this bill with the proposed amendments of the senate was taken up in the house of delegates, it was immediately rejected without reading it; the house having previously determined that the senate did not possess a constitutional power to amend any bill providing for the *collection* or imposition of taxes. (Journal of the house of delegates, page 113.) The senate adhered to their amendments, (Journ. sen. page 84) and the house of [illegible] adhered to their disagreement. (Journal of the house of delegates, pa[illegible] Thus the bill died a parliamentary death. The house of delegates after [illegible] another bill "To provide more effectually for the collection of the taxes," which included the subject matter of the first bill, nearly under that title, together with such amendments as the senate had proposed. (Journal of the house of delegates, page 114.) This bill was passed by the senate; their committee stating that it contained nothing more than the substance of the bill "For the more effectual collection of the taxes," as amended by them, and that they discovered no defects in it, or they should insist on the right of the senate to amend it. (Journ. sen. page 85.) See a very able report drawn up by Mr. Jefferson in the October session, 1777, on the constitutional right of the two houses with respect to money bills.

1802. as follows, to wit:—on lands for every hundred dollars value, agreeably to the equalising law, forty eight cents; for every slave above the age of twelve years, except such as have been, or shall be exempted, by reason of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse and jack ass, twice the price at which such horse or ass, covers a mare for the season; for all other horses, mules, mares, and colts, twelve cents each; for every ordinary license, twelve dollars and fifty cents; for every four wheeled riding carriage, except phaetons and stage waggons, one dollar and twenty-five cents per wheel; for all phaetons and stage waggons, eighty-four cents per wheel; and for every other riding carriage with two wheels, forty-three cents per wheel; for all lots and houses in town, one dollar and fifty-six cents, on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant, and where such house or lot is in the occupation of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, That the owner or proprietor of any such house or lot, if he thinks himself grieved by such valuation, may appeal to the court by whom the commissioners were appointed, whose judgment as to the yearly rent or value, shall be final. The said commissioners or either of them to ascertain the rent paid on houses or lots actually leased, may call on the tenant or proprietor to declare on oath or solemn affirmation, what is the amount of the rent paid for the same; and every person so called on, and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice, to be made by the commissioners of the revenue, or either of them; *Provided*, That no taxes shall be collected on lands, lots, houses or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning; every covering horse or jack ass which shall not be duly entered as such, with the commissioners of the tax, and all such horses and asses brought into this commonwealth subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place at which he shall stand, upon whom it shall be distrainable by the sheriff, as if it had been entered in the commissioners' books; for two thirds whereof, the sheriff shall be accountable to the public; and in case of failure to pay the same, shall forfeit two hundred dollars, to be recovered with costs, on motion, after ten days notice by the auditor, for the use of the commonwealth; *Provided*, that any person so bringing such horse or ass into the state, entering him with the commissioner within ten days thereafter, and paying the tax to which he would have been liable, had he been duly entered to the sheriff or collector, shall be absolved from the said penalty, and the said commissioners shall subjoin the said horse or ass to the list of taxables.

2. *(a) And be it further enacted*, That when any person shall remove any stud horse or jack ass out of the limits of the county or

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...revenue laws of 1804 and 1805, (post chap. 65, sect. 8—chap. 85, sect. 7,) before any ordinary license shall be granted, the sheriff's receipt for the tax shall be produced to the court. And by act of 1806, ch. I, p. 11, the taxes on ordinary licenses are altered to five dollars, upon every hundred dollars of the rent, to be ascertained by the rent paid by the tenant, and where such tavern is in the occupation of the proprietor, the yearly value to be ascertained by the commissioners of the revenue: provided, that not less than $12 50 cents shall be paid for any tavern.

(a) This section not in the former acts.

missioner's district wherein he resides after the ninth day of March in any year, it shall be the duty of such person removing such horse or ass as aforesaid, to produce to the sheriff of the county, into which such horse or ass is so removed, a certificate from the commissioner of the county or district from which such horse or ass is removed, that such horse or ass has been duly entered with such commissioner and the sum at which such horse or ass is entered for the season; every person failing as aforesaid, shall forfeit and pay double the amount of the sum at which such horse or ass shall cover for the season, to be collected and accounted for by the sheriff on oath, for the use of the commonwealth. 1802.

Taxes on merchants.

3. *And be it further enacted*, That upon any persons producing to the commissioners of the revenue, for the county, district or corporation, or to the clerk of the court, if there be no commissioner, a receipt for the sum of forty dollars paid to the sheriff or collector, such commissioner shall grant to such person, a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall in like manner, receive a license to retail such goods for the same time. And if any person shall sell such merchandize either by wholesale or retail, on land, or on board any vessel, without having obtained such license, such person shall forfeit and pay one *(a)* hundred dollars, to be recovered by the commissioner in any court of record, on ten days previous notice; and to be paid to the sheriff for the use of the commonwealth; for which licenses and fines, the commissioners shall annually in their books, return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying names, which shall be good evidence whereupon to charge the sheriff or collector: *Provided always*, that if there be no sheriff or collector, the clerk of the court shall have a right to receive the tax to be accounted for in like manner as other taxes by him received, which receipt being produced to the commissioner of the revenue, such commissioner shall grant to such person a license to sell in the same manner as if the money had been paid to the sheriff or collector: *Provided nevertheless*, That not above one tax shall be paid on account of so selling at one and the same store; and if any person shall possess two or more stores, he or she shall pay one tax for each store; and *provided also*, That nothing contained in this, or any other act, shall be so construed as to impose a tax on planters or farmers, for selling salt, iron or steel, *(b)* to their neighbors, purchased as a return load for their produce, carried in their waggons, or otherwise to market. All the said licenses shall be taken out previous to the first day of May next, and shall be good and effectual for and during the term of one year. *Provided*, That if any new store shall be opened on land, between the first day of May, and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year; and its amount shall be specified in the license, and in the commissioner's return.

Proviso.

Construction as to licenses to hawkers, &c

4. *And be it further enacted*, That the act concerning hawkers and pedlars, shall be so construed as to make it necessary for each hawker and pedlar to obtain a license; that it shall be the duty of the

(a) Altered from *five* hundred dollars, as in former acts.

(b) This proviso extended to *sugar, coffee, tea* and *spices*, acts of 1804, chap. 1, and 3—1805, chap. 1, page 1.

1802.

commissioners to report to the courts of their respective counties such merchants, hawkers and pedlars as neglect to comply with this act; and on such report, it shall be the duty of the said court, to direct process against all delinquents so reported.

Clerks to record licenses of hawkers, &c.

5. *And be it further enacted*, That each hawker and pedlar, after obtaining a license to sell goods, wares and merchandise, shall in the court of each county, in which he offers goods for sale, enter of record his license obtained for vending goods, wares and merchandise for which he shall pay twenty-five cents to the clerk, and in case of failure, each hawker and pedlar, shall be subject to the same penalty as if he had no such license. The clerk of each court, shall on each court day throughout the year, cause a list of such licenses as are recorded by him, to be stuck up in some public place in the court-house, expressing when each license was granted, when it will expire, and by what court it was granted; and in case of failure, such clerk for each omission, shall forfeit and pay the sum of fifty dollars, to be recovered by motion of the commissioners, in any court of record, ten days notice thereof being first given. For every license granted by a commissioner under this act, he shall be entitled to twenty-five cents, which shall be paid to him out of the public treasury, on warrant of the auditor of public accounts, after his list of licenses shall be returned to the auditor as aforesaid. Clerks of courts shall annually, on or before the first day of October, return to the auditor a list of all hawkers and pedlars licenses, granted by their respective courts previous to the first day of September in every year and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered in the general court, by motion, on ten days previous notice. The clerks of courts shall also, on or before the fifteenth day of December in every year, account on oath to the auditor of public accounts for all taxes received by them, by virtue of their offices, previous to the first day of September, in such year. So much of the act passed at the session of assembly, which commenced in December one thousand seven hundred and ninety-eight, entituled, "An act to impose certain taxes on law process, and for other purposes," as is contrary hereto, shall be, and is hereby repealed.

When clerks shall account for taxes received by them.

Repealing clause.

How judgments against sheriffs, &c. may be obtained.

6. And for the more effectual collection of the taxes as aforesaid, and others which may become due to the commonwealth, *Be it further enacted*, that ten days previous notice shall hereafter be necessary to any sheriff, collector, clerk, inspector or notary public, for the purpose of recovering a judgment for any taxes, fines or public dues of any kind, where by law the auditor is authorised to proceed against them, or any of them, by motion. No sheriff or collector shall at any time be allowed to return any list of insolvents, or have any credit therefor, after twelve *(a)* months shall have expired from the period of the taxes becoming payable by such sheriff or collector to which such list relates. A commission of five per cent. and no more, shall be allowed the sheriffs and collectors for the collection of taxes on licenses to be granted to merchants under this act, and on license to be granted to hawkers and pedlars, under an act entituled, "An act concerning hawkers and pedlars," any law to the contrary notwithstanding.

Licenses where to be returned.

7. A list of all licenses granted to merchants, shall be returned by the commissioner granting the same to the county or corporation

(a) Eighteen months by all subsequent revenue laws.

courts for their examination, after which the said lists shall be delivered to the said sheriffs or collectors, who shall annually, on or before the first day of October next, after the receipt thereof, account for and pay the same into the public treasury. 1802. Sheriffs, &c. to collect license tax.

8. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XIX.

*An Act to appropriate the Public Revenue, and for other purposes.**

[Passed January 28, 1803.]

1. BE *it enacted by the General Assembly*, That the taxes and arrearages of taxes due prior to the year one thousand seven hundred and ninety-eight, and all other branches of the public revenue, which arise to the commonwealth, prior to the first day of January one thousand eight hundred and four, shall constitute a general fund, and be appropriated in the following manner: for the payment of the expenses of the general assembly, at their next session, forty-two thousand dollars; for the officers of civil government, fifty-eight thousand dollars; for officers of militia, four thousand five hundred dollars; for expenses of examinations and trials of criminals, in the county and district courts, twenty thousand dollars; for guards employed over the district and county jails, five thousand dollars; for slaves executed, eight thousand five hundred dollars; for slaves transported, four thousand dollars; for the lunatic hospital in the city of Williamsburg, five thousand five hundred dollars; General fund. Appropriation.

* Acts to appropriate the public revenue are varied almost every session according to the exigencies of the government. It is worthy of remark, however, that in the restrictions upon the discretion of the executive as to the appropriation of the contingent fund, and the surplus of other funds, scarcely any two laws speak the same language. In the present act there is a *proviso*, that the sum appropriated for the contingent expenses of government should not include such expenses as may be incurred in repelling invasions and suppressing insurrections, and such other cases as may result from unexpected necessity; a provision which is not to be found in any subsequent appropriation law. In the session of 1803, (chap. 2. sec. 4, page 17,) the executive were expressly authorised to supply the deficiency of one fund appropriated, from the surplus of others. In 1804, (chap. 3, sec. 2, page 5,) this power is expressly taken away. In the act of 1805, (chapter 2, page 1,) no restriction on the discretion of the executive is inserted. During the session of 1805, a severe conflict arose between the two houses, respecting the constitutional power of the senate to amend an *appropriation* bill. The house of delegates passed a bill "To appropriate the public revenue," which contained a clause restraining the executive from applying the surplus of one fund to make good the deficiency of another. The senate proposed several amendments, one of which was to limit the objects for which the executive might supply the deficiency of one fund from the surplus of another. (Journ. sen. 1805, page 85.) When the amendments of the senate were taken up by the house of delegates, they entered into a resolution declaring that an appropriation bill was a *money bill*, which, by the constitution, the senate had no power to amend, and immediately afterwards, unanimously rejected the amendments. (Journal of the house of delegates, pages 104, 105.) The senate *unanimously* adopted a counter-resolution, asserting that a *money bill* was no other than a bill providing for the imposition of taxes, which alone they were restrained from amending by the eighth section of the constitution, and contended that they had uniformly exercised the power of amending bills for the collection and appropriation of the revenue, whenever it was deemed necessary.—(Journ. sen. page 87.) The senate then insisted upon their amendments, and neither house receding, the bill was finally lost. Another bill was afterwards brought into the house of delegates, under the same title, and containing nearly the provisions insisted upon by the senate, in their amendments, (Journal of the house of delegates, page 106,) which passed the senate, without opposition. (Journ. sen. page 90.) A similar conflict took place between the two houses in the same session, on the bill "To provide more effectually for the collection of taxes," which terminated nearly in the same way.

1802. for compensation to the commissioners of the revenue, sixteen thousand five hundred dollars; for pensioners, six thousand five hundred dollars; for the public guard in the city of Richmond, sixteen thousand five hundred dollars; for removing criminals from the district jails to the penitentiary, and charges of their confinement, four thousand dollars; for public warehouses, two thousand dollars; for carrying on the work of the public warehouse on the James River Canal, four thousand dollars; for public services of the clerks of the district courts, one thousand eight hundred dollars; for interest on public debt, including paper money funded, military certificates, loans and money paid into the treasury for the payment of British debts, twenty-eight thousand two hundred and fifty dollars; for defraying the expenses of representation to congress, three hundred dollars; for the purchase of arms, being the sum remaining unexpended of the appropriation of last year, to enable the executive to carry into effect a contract heretofore made, twenty-two thousand six hundred and ninety-three dollars and seven cents; for materials, artificer's pay, and other expenses in carrying on the manufactory of arms, forty-five thousand dollars; for collecting and preserving public ordnance, one thousand dollars; for completing, except the foundery for cannon, the arsenal and manufactory of arms, ten thousand dollars; for the Appomattox company, five hundred dollars; for deficiencies of appropriations of last year, ten thousand dollars; and for the contingent expenses of the government, twelve thousand dollars; *Provided*, That the last mentioned sum shall not include such expenses as may be incurred in repelling invasions and suppressing insurrections, and such other cases as may result from unexpected necessity.

2. *And be it further enacted*, That the executive shall carry on the operations of the warehouse on the James River Canal, and completing the arsenal and manufactory of arms, in such manner as not to expend more than the sums herein before specifically appropriated, and that the establishment of a foundery, be suspended during the present year.

Public stock to be sold in aid of the general fund.

3. *And be it further enacted*, That the treasurer of this commonwealth, shall be, and he is hereby authorised and required to sell for the best price he can obtain, the stock of the United States at this time owned by the commonwealth, and the proceeds thereof, shall be placed in the public treasury, and together with the resources herein before mentioned, shall constitute the general fund, subject to the appropriations herein before made: *Provided*, That the six per cent. stock shall not be sold at less than nineteen shillings and six pence in the pound; and the three per cent. at less than ten shillings and nine pence in the pound.

A sum to be paid to Robert Tucker's executors.

4. *Be it further enacted*, That the treasurer be, and he is hereby authorised, on warrant on the auditor, to pay to the executors of Robert Tucker, deceased, on application, the sum of four thousand dollars, in part of the debt due the said Tucker, and that the auditor liquidate the said debt, and report the same to the executive, to be laid before the assembly, at their next session.

Commencement. This act shall commence and be in force from and after the passing thereof.

CHAP. XX. 1802.

*An Act more effectually to provide for the payment of taxes upon lands within this Commonwealth.**

[Passed January 29, 1803.]

Preamble.

1. WHEREAS numerous inconveniencies and losses have accrued to this commonwealth, from the want of an adequate mode for the subjection of lands to the payment of taxes: And whereas it is a principle in well organized governments, that property should be holden subservient to the purposes thereof.†

Land forfeited and subject to a location for non-payment of taxes.

2. *Be it enacted*, That when the taxes upon any tract or survey of land, shall have remained unpaid for the space of two years, such tract or survey of land, shall be forfeited to the commonwealth, and subject to location, according to the terms prescribed by an act, entitled "An act, for reducing into one, the several acts concerning the land office, ascertaining the terms and manner of granting waste and unappropriated lands, for settling the title and bounds of lands, directing the mode of processioning, and prescribing the duty of surveyors," so far as the said act applies to waste and unappropriated land, and not to forfeited land; and title thereto shall be acquired by the said location, and by the payment of the taxes due upon such tract or survey of land: *Provided nevertheless*, That the tract or survey of land so as aforesaid forfeited, shall be subject to the redemption of the former rightful and proper owner, at any time within one year after such forfeiture shall have accrued, upon the payment of the taxes due thereupon, with interest upon the same from the time they became payable.

How the original owner may redeem land so forfeited.

Auditor to publish this act.

3. *And be it further enacted*, That at any time within six months after the annual return of the list of insolvents or delinquents for the non-payment of the taxes upon land into his office, the auditor of this commonwealth shall cause this act to be published for three several times in the gazette of the printer of this commonwealth, and in some newspaper of general circulation, published at the seat of the general government: *Provided always*, That nothing in this act shall be so construed as to authorise the location of any lands within the purview of this act, before the expiration of the time limited for the redemption thereof; nor to affect the rights of infants, femes covert, or persons of unsound mind, until one year after the disabilities shall have ceased.

No location to be made until the time for redemption expires.

Infants, &c. excepted.

Repealing clause.

4. All acts and parts of acts, within the purview of this act, are hereby repealed.

Commencement.

5. This act shall commence and be in force from and after the first day of March next.

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* The operation of this act suspended till the first day of March, 1807, by act of 1805, see post ch. 79. And by act of 1806, post ch. 109, lands forfeited to the commonwealth on account of the non-payment of taxes, shall not be subject to location, but may be redeemed by the former rightful owner within the periods and upon the terms therein mentioned.

† In 1790, (chap. 5, pa. 5 of sess. acts,) all laws subjecting lands to be sold for taxes were repealed.

1802.

CHAP. XXI.

An Act to amend the several laws concerning the Penitentiary.‡

[Passed January 29, 1803.]

Courts to appoint trustees for convicts.

1. BE *it enacted by the General Assembly of Virginia*, That when any convict shall hereafter be condemned to confinement in the penitentiary, for a term longer than one year, the estate of such convict, if any he hath, both real and personal, shall by the court of the county in which the property lies, be committed to the care and management of some person to be fixed on by the said court, who shall be a trustee for the convict, until his discharge from confinement. The trustee so to be appointed shall give bond and security to be approved by the court, for taking care of the estate to him committed, and for its re-delivery to the convict on his application, after being discharged from confinement. He shall annually render to the court by whom he shall be appointed, a true account of all necessary disbursements and expenditures by him made out of the said estate; and shall stand, in every respect, in the same situation as an administrator. He shall be liable to the action or actions of each and all of the creditors of the convict, who may think proper to sue for debts justly due them. He shall be compelled to pay the same, as far as the said estate will go; enjoying the privileges of an administrator as to the preference of his own debt, if any be due him; and shall possess the power of receiving and recovering by action, when necessary, any debt which may be due the said convict. The said trustee shall allow a sufficient maintenance, out of the estate of the convict, to him committed, for the wife and family of such convict if any he hath: and in every case the wife shall be entitled to the same proportion of the estate of the convict, as if he had died intestate. The said trustee shall annually retain in his own hands, such compensation out of the estate of the convict as the court who appointed him shall deem reasonable and competent to his services.

Trustees to give security.

Their duty.

The wooden inclosure to be enlarged.

2. The wooden enclosure now at the penitentiary, shall be enlarged, so as to accommodate the prisoners in confinement; for which purpose the sum of five hundred dollars shall be appropriated out of any money in the treasury.

Offences deserving not more than one year's confinement to be tried in county or corporation courts.

3. All offences, the punishment for which does not by law, at present exceed a confinement in the penitentiary for a term of one year, shall be tried in the court of that county wherein such offence was committed; and in order to carry this power more fully into effect, *Be it further enacted*, That the several courts sitting for the examination of persons accused of crimes, shall, if they are of opinion, that the party ought to be further prosecuted, and that the offence, with which he or she stands charged, is cognizable before the county or corporation courts, by this act, take the recognizance of such person with sufficient security for his or her appearance at the next quarterly term held for such county or corporation, and in case of refusal or inability to give such security, he, she, or they, shall be committed to prison until discharged by due course of law.

Mode of trial described.

4. The mode of trial shall be by indictment found by the grand jury of such county or corporation, according to the rules adopted in the district courts. The sheriff shall immediately thereupon sum-

‡ See Revised Code, vol. 1, ch. 200, pa. 355—ch. 264, pa. 402—ch. 279, pa. 410—ch. 284, pa. 413—Also ante. ch. 16—act of 1803, post ch. 41—act of 1804, post ch. 55—act of 1806, post ch. 111.

tion twelve good and lawful men, not members of the grand jury, and in every respect qualified as venire men are directed by law in the said district courts, who shall constitute a jury for the trial of such person. The right of challenge shall be exercised as at present directed by law, in the case of felonies.

Convicts to be punished by stripes or confinement at their own election.

5. Persons convicted under this act, shall be punished by stripes on his or her bare back, not less than ten, nor more than forty, for any one offence, or by confinement in the penitentiary house, for a term to be fixed by the verdict of the jury by whom such person shall have been tried, not exceeding twelve months, nor less than six months, at the election of such convict; which election shall be made before the jury retire from the bar. And if any person shall be convicted of a like offence a second time, he shall be sentenced to undergo a confinement in the penitentiary house for a term not less than one nor more than two years.*

Sheriffs, &c. to receive same compensation for transporting as if convicted by district courts.

6. Sheriffs and other persons employed in transporting criminals, convicted under this act, shall be paid in like manner as those employed in transporting those convicted in the district courts, and witnesses shall receive like compensation with those attending the examining courts.

Commencement.

7. This act shall be in force from and after the first day of June next.

CHAP. XXII.

An Act to fix the salaries of certain Officers.†

[Passed January 29, 1803.]

Compensation allowed to certain officers.

1. BE *it enacted by the General Assembly*, That the officers hereafter mentioned, shall be allowed annually the following salaries, to wit: the keeper of the penitentiary house, the sum of one thousand two hundred dollars; the turnkey to the penitentiary house, the sum of two hundred and sixty-six dollars and sixty-six cents; the clerk of the penitentiary house, the sum of six hundred and twenty-five dollars; the door keeper of the capitol, and of the council, whose duty it is to keep the capitol clean, and obey the orders of the executive, the sum of three hundred dollars; and the keeper of the keys of the capitol, the sum of two hundred dollars; to each of the under clerks in the register's office, five hundred dollars; to the keeper of the public seal, three hundred dollars; to the assistant clerk of the council one thousand dollars; which several sums shall be paid quarterly out of the treasury, on warrants to be issued by the auditor of public accounts.

Salaries of officers for the manufactory of arms.

2. *And be it further enacted*, That the following officers shall be allowed annually the salaries herein after mentioned, to be paid quarterly, and to commence as soon as the executive adjudge that their services are necessary, to wit: the superintendant of the manufactory of arms, the sum of two thousand dollars; the master armourer, the sum of one thousand dollars; the assistant armourer, the sum of one thousand dollars; the clerk to the manufactory of arms, the sum of five hundred dollars; and the commissary and store keeper to the manufactory of arms, the sum of five hundred dollars; which several

* Amended by act of 1803—see post ch. 41, sec. 4.

† This law re-enacted with but few variations, in the session of 1803, and unlimited as to its duration. See post ch. 42.

1802. couraging and promoting gambling: And whereas doubts have arisen concerning the true construction of divers parts of the said laws, and the mode of executing them; and the delays usually permitted in courts in ordinary cases, being often times the means by which the greatest offenders escape from justice, whereby practices greatly tending to the general corruption of the morals of youth and the ruin of private families, have of late greatly encreased in divers parts of this commonwealth, for remedy whereof,

How fines shall be collected.

2. *Be it enacted and declared by the General Assembly of this Commonwealth*, That every fine, forfeiture and penalty imposed, declared, inflicted or incurred, or which may be imposed, declared inflicted or incurred, for the use of the commonwealth, under any act, or part or parts of any act heretofore made, or under this act, or any act which shall or may hereafter be made, for the prevention or discouragement of any kind of unlawful gaming, or for the suppression thereof, shall and may be recovered in any court of record in this commonwealth, upon presentment or indictment by a grand jury, or upon information filed by the attorney for the commonwealth, in any such court, or by action of debt, bill, plaint, or any other legal ways or means whatsoever; and in every such case, no exception shall be admitted or sustained, for any defect or want of form in any presentment, indictment, information or other suit or action whatsoever, which may be brought or instituted on behalf of the commonwealth, or of any person or persons entitled to sue for the same, either on his own behalf, or on the behalf of such person and the commonwealth, but the court before whom any such presentment, indictment, information, suit or action, shall be brought, shall proceed to give judgment according to the very right of the case, any former law, custom or usage to the contrary notwithstanding.

Preventing delays in prosecuting offenders.

3. And for the prevention of unnecessary delays, in the prosecution of offenders, *Be it further enacted*, That where any presentment or indictment authorised by this or any other act, shall be made by a grand jury, the court wherein the same shall be made, shall immediately order the proper process to bring the offender before them, returnable with all convenient expedition; which process may be directed to the sheriff or other officer, of any county or corporation within this commonwealth, where the offender or offenders may be found, and such sheriff or other officer to whom the same shall be directed, is hereby empowered and required to execute the same, and make return thereof to the court from which it issued; and if the defendant being duly summoned, shall fail to appear, and plead to such presentment or indictment immediately, the court shall forthwith proceed to give judgment against him in the same manner as if he had appeared and confessed the charge, or denying it, had been found guilty by the verdict of a jury, and may award execution against him accordingly; but if he shall appear, and plead not guilty to the presentment or indictment, the court shall without delay proceed to the trial, and render judgment according to the very right of the case as herein before directed; and where upon any rule to shew cause why an information should not be filed by the attorney for the commonwealth, the defendant shall fail to appear and shew cause, pursuant to the notice duly given him, or left at his usual place of abode, in every such case, if the information be thereafter filed, the court may on any day after the day of shewing cause, proceed to give judgment upon such information, in the same manner, as upon a pre-

sentment or indictment by a grand jury: *Provided nevertheless*, That if the offender against whom any judgment may be rendered, for want of his appearing to answer the presentment or indictment, or to shew cause against the filing the information, shall at any time during the same term, appear, and surrender himself in custody, or give bail, being ruled so to do by the court, for his appearance when required, and plead not guilty to the presentment, indictment or information, it shall be lawful for the court in every such case, to set aside the judgment against him, and thereupon the court shall without delay, proceed to the trial in the same manner as if he had appeared and pleaded thereto in the first instance, and shall render judgment thereupon according to the very right of the case, without regard to any exception that may be alledged against it. 1802. Proviso.

4. Whenever judgment shall be rendered against any offender by virtue of this act, if he be not present, the court may award a capias for the fine, and also to bring the body of the offender before the court, in order to be dealt with as the law directs, which capias, may be directed to the sheriff or other officer, of any county or corporation within this commonwealth, where the offender may be found, and such sheriff or other officer, to whom the same shall be directed, is hereby empowered and required, to execute the same, and make return thereof to the court from which it issued; and upon every such capias, the sheriff or other officer, shall take good and sufficient bail in a sum not exceeding five hundred dollars, nor less than two hundred dollars, for the appearance of the defendant, on the first day of the next court; and if he shall fail to take such bail, he shall forfeit a sum not exceeding five hundred dollars to the commonwealth; and if the defendant, being bailed, shall fail to appear accordingly, the bail bond shall be forfeited, and shall immediately be put in suit, and the clerk shall endorse upon the writ, that bail is required. How offenders may be brought before the court.

5. Every fine, penalty and forfeiture, which shall be imposed in any superior court, for the use of the commonwealth, by virtue of this act, or any other act for preventing, discouraging or suppressing gaming, shall be applied to the building, repairing and supporting public jails, clerks' offices and courthouses, for the use of the district courts of this commonwealth, and shall be paid into the treasury for that purpose, by the sheriff or other officer collecting or receiving the same; and every fine, penalty and forfeiture, which shall be imposed in any county or corporation court, on behalf of the commonwealth, shall be one half for the use of the poor of the county or corporation, in which the judgment shall be rendered, and paid to the overseers of the poor; and the other half to the use of the county or corporation, and applied towards lessening the county levy, in such manner as the court of such county or corporation shall direct. Application of fines.

6. And for removing certain doubts which have arisen in the construction of some of the acts or parts of acts, made for preventing, discouraging and suppressing unlawful gaming, *Be it further enacted and declared*, That every house of entertainment, or public resort, within this commonwealth, whether the same be a licensed tavern or not, shall be deemed and taken to be a tavern, and the owner, master, keeper or occupier, of every such house, shall be deemed a tavern keeper, within the true intent and meaning of this act, and within the true intent and meaning of all and every act and parts of Taverns and tavern keepers fined.

1803. such county upon the tithables thereof, and paid by the collector of the county levy by an order of the court.

Commencement. 2. This act shall be in force from the passing thereof.

CHAP. XXVI.

An Act to prevent the destruction of Oysters within this Commonwealth.

[Passed January 6, 1804.]

Preamble. WHEREAS it is represented to this General Assembly that the quantity of oysters in the rivers and creeks within this commonwealth is greatly diminished by a practice which has for some time since prevailed, of collecting large quantities of oysters and burning them for the purpose of obtaining lime from the shells.

Persons fined for destroying oysters. 1. *BE it therefore enacted*, That if any person or persons shall hereafter burn or cause to be burnt any oysters taken out of any river or creek within this commonwealth for the purpose of obtaining lime therefrom, or for any other purpose by which such quantity of oysters will be wasted or destroyed, he or they shall for every such offence forfeit and pay ten dollars, recoverable before a single magistrate, one moiety to the informer, the other moiety to the overseers of the poor for the use of the county: *Provided*, That nothing herein contained shall be so construed as to prevent any person from burning oyster shells after the oysters have been used.

Commencement. 2. This act shall commence and be in force from and after the passing thereof.

CHAP. XXVII.

*An Act to amend an act, entituled "An act concerning estrays."**

[Passed January 16, 1804.]

How estrays shall be advertised. 1. BE *it enacted by the General Assembly*, That if the valuation of any estray, which shall be taken up under the act, entituled "an act concerning estrays," shall exceed twenty shillings, it shall be sufficient for the taker up thereof, instead of publishing in the Virginia Gazette, the notice and certificate in the manner required by the third section of the said act, to cause the same to be published in any newspaper that may be printed nearest to the place where such estray may have been taken up, and in every case where the owner of an estray shall demand the valuation money therefor, or receive the estray again, he shall, besides paying thereout the clerks' and printers' fees, in lieu of the other charges by the said act allowed, pay to the person entitled thereto, such compensation for keeping and supporting such estray, as shall be adjudged reasonable by any two free-holders, to be first sworn by a justice of the peace, in the county where such estray may have been taken up. So much of the third section of the above recited act, as comes within the purview of this act, shall be and are hereby repealed.

How the owner shall obtain such estray.

Commencement. 2. This act shall commence and be in force from and after the passing thereof.

* See Revised Code, vol. 1, chap. 16, page 18.

CHAP. XXVIII. 1803.

An Act to amend the seventeenth section of the act, entituled "An act "reducing into one the several acts concerning the fees of certain "officers, and declaring the mode of discharging the said fees and "county levies."

[Passed January 20, 1804.]

Clerks of chancery courts allowed same fees against the commonwealth as individuals.

1. BE *it enacted by the General Assembly*, That the clerks of the several superior courts of chancery shall receive for services rendered the commonwealth, the same fees as are by law allowed for similar services in suits and controversies between individuals, and no other compensation or allowance. Their fee bills against the commonwealth, having been first examined and certified by their respective courts, shall be paid, on a warrant from the auditor, out of any money in the treasury.

Repealing clause.

2. All acts or parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XXIX.

An Act concerning the proceedings in Courts of Chancery, and for other purposes.

[Passed January 20, 1804.]

Chancery courts may award interest on final decrees

1. BE *it enacted by the General Assembly*, That from and after the commencement of this act, the several courts within this commonwealth having original chancery jurisdiction, shall have power and authority in all cases where by any final decree, any sum or sums of money, or quantity of tobacco are directed to be paid to either party, to award interest until the same shall be paid, any law or custom to the contrary notwithstanding.

Court of appeals and chancery district courts may award damages in decrees upon appeals.

2. *And be it further enacted*, That the court of appeals, and the several district courts of chancery, in all cases where any decree rendered for any sum of money or quantity of tobacco, shall, on appeal therefrom, be affirmed, shall award to the appellee, damages at the rate of ten per centum per annum on the whole amount, (including the cost) for which such decree was rendered, from the time the appeal was obtained until the affirmance in the appellate court, in satisfaction of all damages or interest, and legal interest from that time until the same shall be paid.

Dissolved injunctions to stand dismissed with costs.

Proviso.

3. *And be it further enacted*, That in all cases where hereafter any injunction shall be wholly dissolved, the bill of the complainant shall stand dismissed of course, with costs, unless sufficient cause is shewn against such dismission at the next term, where the same shall be in the district courts of chancery; and where the same shall be in any of the inferior courts, at or before the second court, let the same be monthly or quarterly thereafter. And it shall be the duty of the several clerks of the said courts to enter such dismission on the last day of the terms aforesaid.

Courts to award damages against complainants whose bills are dissolved.

4. *And be it further enacted*, That where any injunction shall be hereafter obtained, to stay the proceedings on any judgment rendered in any of the courts of this commonwealth, for money or tobac-

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co, and such injunction shall be dissolved wholly or in part, damages at the rate of ten per centum per annum from the time the injunction was awarded, until the dissolution, shall be paid to the party on whose behalf such judgment was obtained, on such sum as appears to be due, including the costs; and where any such injunction shall be depending in the district courts of chancery, the clerk of such court, shall, on dissolution thereof, certify to the clerk of the court wherein the judgment was obtained, the order of dissolution, as also the time of granting and dissolving such injunction, and the clerk shall issue the execution according to the provisions of this act; and in all cases where a forthcoming bond has been executed by the complainant in such injunction, and no judgment rendered thereupon, the court in which execution is awarded, shall direct the said damages to be included in the judgment, which shall be in satisfaction of all interest and damages during the time aforesaid: *Provided nevertheless*, that where the injunction is granted in order to obtain a discovery, or any part of the judgment shall remain injoined, the court wherein the injunction shall be depending, may, if it appear to them just, direct that no such damages shall be paid by the complainant, or such proportion, as according to equity, they deem expedient; and the clerk of the court where the judgment was rendered, or the court by whom execution shall be awarded, shall govern themselves accordingly.

Clerks of district courts to certify dissolutions of injunctions to inferior courts.

Damages on forthcoming bonds, when to be awarded.

Proviso.

Interest to be allowed on certain judgments.

5. *And be it further enacted*, That upon all judgments rendered by the courts of common law, in actions founded on contracts, interest shall be awarded on the principal sum or damages recovered, and costs, until such judgment shall be satisfied. (*a*)

Staunton chancery district court day altered.

6. *And be it enacted*, That hereafter the chancery court for the district of Staunton, shall be holden on the tenth day of July, instead of the first, unless that day be on Sunday; in such case, it shall be holden on the succeeding day.

Commencement.

7. This act shall commence and be in force from and after the first day of May next.

CHAP. XXX.

*An Act to amend the act, entituled "An act concerning Escheators.**

[Passed January 21, 1804.]

Duty of the commissioners of the revenue.

1. BE *it enacted by the General Assembly*, That it shall be the duty of the commissioners of the revenue, on or before the first day of January annually, to furnish a list to the escheators of their counties of all lands within their respective precincts, of which any person hath died seized of an estate of inheritance, intestate, and without any heir known to the said commissioners, or to which no person is entitled to their knowledge. Any commissioner failing herein shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt in any court of record, one half of which shall be to the use of the commonwealth, and the other half to the informer.

Penalty for failure of duty.

(*a*) This section explained and amended by act of 1804, ch. 8, pa. 8, sec. 2, of sessions acts. See post ch. 57.

* See Revised Code, vol. 1, chap. 82. pa. 126—chap. 180, pa. 328—chap. 224, pa. 375—chap. 230, pa. 379. By this last mentioned act, creditors of a deceased person whose land is escheated to the commonwealth may petition the general court, in which case the treasurer is to be made a party.

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2. It shall be the duty of every escheator, on receiving such information from a commissioner of the revenue, or from any other person, to proceed to hold his inquest to determine whether any such tract of land hath escheated to the commonwealth, under the penalty of fifty dollars, to be recovered and appropriated as aforesaid for failing to hold any such inquest.

Duty of escheators.

Penalty for failure.

3. *And be it further enacted*, That where any person shall die indebted seized of lands which shall become escheat to the commonwealth, not having personal property sufficient to pay such debts, the creditor may exhibit his petition before the court of the county in which such escheat shall take place, or in the court of the district wherein such county is situated, making the escheator of such county, a party defendant, who shall defend such claim, and the said court shall proceed to judgment according to the right of the case, and render the same for such sum as shall appear to be due to such petitioner, if any thing; and it shall be the duty of such escheator on such judgment being rendered, to satisfy and pay the amount thereof, if the proceeds of the sale shall be sufficient and yet in his hands, and if the same shall have been paid into the treasury, the auditor shall and he is hereby required, on a copy of such judgment properly authenticated being filed, to issue a warrant, and the treasurer shall pay the amount, or so much as has been received on account of such sale.

Escheated lands subject to the former owners debts.

Proceedings in such cases.

4. This act shall be in force from the first day of May next.

Commencement.

CHAP. XXXI.

*An Act to amend an act, entituled, "An act to amend an act, entituled, an act for appointing Electors to choose a President and Vice-President of the United States."**

[Passed January 21, 1804.]

1. BE *it enacted by the General Assembly*, That the persons qualified to vote for electors of a president and vice-president of the United States, under the act entituled, "an act, for appointing electors to choose a president and vice-president of the United States," *(a)* shall each vote hereafter for twenty-four electors, in manner herein directed. Every voter shall vote for one person residing in each electoral district as arranged by this act; for which purpose, the counties of Norfolk, Princess Anne, Nansemond and borough of Norfolk, shall compose one district; the counties of Surry, Isle of Wight, and Prince George, one other district; the counties of Sussex, Dinwiddie and Southampton, one other district; the counties of Brunswick, Lunenburg, Mecklenburg and Greensville, one other district; the counties of Charlotte, Halifax and Prince Edward, one other district; the counties of Amelia, Chesterfield, Cumberland, Nottoway and Powhatan, one other district; the counties of Albemarle, Amherst, Buckingham and Fluvanna, one other district; the counties of Franklin, Pittsylvania, Campbell, Bedford, Henry and Patrick, one other district; the counties of Goochland, Henrico, Louisa and City of Richmond, one other district; the counties of Hanover and Caroline, one other district; the counties

Number of electors.

Counties arranged into districts.

* First law for appointing twelve electors, sessions acts of 1788, ch. 1, pa. 1, by districts. Sess. acts of 1792, ch. 30, pa. 87, *twenty-one* electors, by districts.—(1799) Revised Code, vol. 1, ch. 254, pa. 393, *twenty-one* electors by a general ticket.

(a) Passed October 10th, 1792—see sess. acts of 1792, pa. 87.

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of King and Queen, King William and Essex, one other district the counties of Spotsylvania, Orange, Madison and Culpeper, one other district; the counties of Loudoun and Fauquier, one other district; the counties of Accomack, Northampton, Elizabeth City, Warwick and York, one other district; the City of Williamsburg the counties of James City, Charles City, New Kent, Middlesex, Gloucester and Mathews, one other district; the counties of Richmond, Lancaster, Northumberland, Westmoreland and King George, one other district; the counties of Prince William, Fairfax and Stafford, one other district; the counties of Frederick and Hardy, one other district; the counties of Hampshire, Berkeley and Jefferson, one other district; the counties of Rockingham, Shenandoah and Pendleton, one other district; the counties of Rockbridge, Augusta and Botetourt, one other district; the counties of Washington, Lee, Russell, Grayson, Wythe and Tazewell, one other district; the counties of Greenbrier, Bath, Monroe, Kanawha, Mason and Montgomery, one other district; and the counties of Monongalia, Brooke, Ohio, Harrison, Wood and Randolph, shall compose one other district.

Where two persons are voted for in the same district the first named receives the benefit.

In case any ticket shall contain two or more names of persons residing in the same district, the first of such names only shall be considered as duly voted for—and in like manner, if two or more persons, shall be of the twenty-four first upon the poll, who shall reside in the same district, he who shall have the greatest number of votes shall only be duly elected.

Commissioners appointed to execute this law.

The governor, with the advice of council, shall on or before the first day of August in every year, wherein such election is to take place, appoint and commission three persons in each county of this state, and in the cities of Richmond, Williamsburg and borough of Norfolk, for the purpose of executing this law, any two or more of whom shall be competent to act.

Their oaths.

Each person, before he enters upon the duties herein enjoined, shall take and subscribe the following oath: "I, A. B. do solemnly swear, faithfully and truly to execute the office of a commissioner under the act, entituled, "an act, to amend an act, entituled an act, to amend an act, entituled an act, for appointing electors to choose a president and vice-president of the United States"—that I will, to the best of my skill and judgment, admit all persons to vote, entitled to do so, and reject all who are not so entitled—and that I will make a fair return of the persons voted for as electors, within my county and of the number of votes given for each, according to this act.—So help me God."

Affidavit to be returned to the clerk of the county court, &c.

Which affidavit the magistrate administering the oath, shall return attested to the clerk of the county court, to be by him filed—and the said magistrate shall also give to such commissioner a certificate that he had taken the oath prescribed by this act.

Duty of commissioners.

It shall be the duty of the said commissioners, to attend at the several places for holding the said elections, directed by law, and then and there to hold the same in manner following—they shall receive of each person whom they shall adjudge to be entitled to a vote in his county or corporation, a paper containing the names of twenty-four persons, for whom such individual shall vote as electors, on the back of which paper shall be written the name of the person voting, and as the votes are rendered, it shall be the duty of the said commissioners to take an exact poll of the names of all voters.

Duty of the clerk.

It shall be the duty of the clerk of each county, to attend at the said election for the electors of a president and vice-president of the United States, with the list of the lands as taxed therein, to be used by the said commissioners as evidence towards ascertaining the

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right of any person to a vote. If it shall appear to the said commissioners, that the persons entitled to vote, were prevented from attending by bad weather, or from any other cause, they are hereby empowered and required to keep the poll open for a term not exceeding two days. So soon as the poll is closed, the said commissioners shall subscribe each sheet upon which the same containing the names of all the voters shall be taken, and also obtain a subscription of two or more creditable persons thereto, which poll thus subscribed it shall be their duty to file in the clerk's office of the said county or corporation within ten days of the time of holding the election, there to be recorded according to law. The said commissioners shall, within two days after the poll shall be closed, ascertain the number of votes given for every person, who shall be voted for as an elector: *Provided*, That until the return shall be signed by the commissioners holding the election, the tickets so delivered in shall be kept by one of the said commissioners, under the seal and superscription of more than one—and shall never be opened or examined by less than two of the said commissioners. The said commissioners shall within three days after closing the poll as aforesaid, make out three copies of a return in the following form—"We, A. B. and C. commissioners for holding the election of electors for a president and vice-president of the United States, for the county, city or borough (as the case may be) of do hereby certify that an election was held on the first Monday in November for the said county, city or borough (as the case may be) pursuant to law, and that the number of votes herein specified opposite to the names of the several persons following, was given for such persons as electors for the state of Virginia, of a president and vice-president of the United States, namely [here such list of persons and votes is to follow.]—Given under our hands and seals, this day of one thousand eight hundred and ." Which returns, written in words and not in figures, shall be sealed and subscribed by the commissioners holding the election. One of the said returns shall be delivered to some person among the twenty-four, who shall have therein the greatest number of votes: another shall be filed in the clerk's office of the county or corporation electing: and the third shall be transmitted to the governor and council; all of which shall be done within fifteen days after the same shall be made out; and the governor and council shall proceed to ascertain from the said returns, the twenty-four persons having the greatest number of votes throughout this state, and to advertise their names in such gazettes as they may think proper.

For what cause the poll may be kept open.

Forms to be observed by the commissioners after the poll is closed.

Form of return to be made by the commissioners.

Governor and council to advertise the names of the electors.

2. If on account of death, sickness or other cause, only one of the said commissioners shall attend at the time and place for holding the said election, he is hereby empowered to associate with himself as a commissioner, the high sheriff, or any magistrate of the county or corporation electing, who being qualified as before directed, shall be as competent to act as if he had been appointed by the governor, with the advice of council. It shall be the duty of the sheriff of every county, and of the sergeant of every corporation, entitled to elect, to attend the said commissioners during the said election, and to remove force should any be offered. And if any sheriff shall fail in his duty as aforesaid, or if any commissioner shall refuse to take the poll, being required so to do by a candidate or person qualifi-

In case of sickness, how the commissioners shall act.

Sheriffs and sergeants to attend commissioners during the election.

Penalty on sheriffs & commissioners for failure of duty.

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ed, or shall take it contrary to this act, or shall make or sign a false return, or shall falsify the polls or tickets by erasure or alteration, he or they so offending, shall for every such offence, forfeit and pay the sum of three hundred dollars, to be recovered with costs in an action of debt, before any court of record, by any person who will sue for the same. After the said return shall be made, it shall be the duty of the said commissioners to seal up all the tickets or votes by them received in manner herein directed, and endorse their names upon the cover as aforesaid, which shall be preserved by one of the said commissioners, and shall, if demanded under an order from the governor, with the advice of council, within six months of the said election, be forthwith delivered under the penalty before prescribed in other cases of misconduct; but if the said tickets or votes shall not be so demanded within six months, the commissioner holding the same shall no longer be considered as answerable for them. The governor with the advice of council, is hereby empowered to defray by order on the treasury, all reasonable expenses which may attend the execution of this act, and also the expense which may be incurred by transmitting the said returns to the executive, wherever it shall appear that it was necessary to employ a special messenger for that purpose.

Duty of commissioners after return.

Governor and council to defray expenses attending the execution of this act.

Where electors fail to attend, how the vacancy shall be filled.

3. *And be it further enacted*, That the twenty-four persons having the greatest number of votes under this act, shall be the electors of a president and vice-president of the United States, for and on behalf of this state; provided they attend for that purpose at the capitol, in the city of Richmond, and at the time appointed by law; but if it shall so happen that any one or more of the said electors chosen by the people under the authority of this act shall from any cause whatever, fail to attend at the place appointed by the said act for the meeting of the electors at three o'clock in the afternoon on the day preceding the day appointed for their meeting by the act of congress, it shall then be lawful for the senate and house of delegates, and they are hereby required by joint ballot, to proceed to supply such vacancy or vacancies, until the number of twenty-four electors for the purpose aforesaid is completed; but if the legislature shall not be in session on such day, it shall be lawful for the governor, with the advice of council to supply such vacancy or vacancies; which elector or electors so appointed, shall be entitled to vote for a president and vice-president of the United States, in the same manner as if he or they had been chosen in the manner before prescribed. *Provided nevertheless*, That if any elector or electors chosen by the people under the authority of this act, shall attend at the hour of ten in the morning of the day appointed for their meeting as aforesaid, then the appointments made for the purpose of supplying such supposed vacancy shall be void and of no effect.

Proviso.

Repealing clause.

4. All acts and parts of acts that come within the purview of this act, shall be, and the same are hereby repealed.

Further proviso.

5. Provided that nothing herein contained shall be so construed as to authorise any compensation to be made to the commissioners to be appointed under this act.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXII. 1803.

*An Act to amend an act concerning the manufacture of tobacco.**

[Passed January 24, 1804.]

1. BE *it enacted by the General Assembly*, That if any person shall presume to stem or manufacture tobacco without having obtained a license in the manner prescribed by the act passed the twentieth of January, one thousand eight hundred and one, he shall for every such offence forfeit and pay the sum of one hundred dollars, to be recovered by an action on the case, wherein the defendant shall be ruled to bail, in the name of the deputy attorney of the county or corporation in which such offence shall be committed, for the use of the commonwealth; the expenses of which prosecution shall be certified by the court in which the prosecution was carried on, and the auditor is hereby authorised to grant a warrant upon the treasurer for the same. And the said offender shall moreover forfeit and pay the sum of ten dollars for every ten pounds of tobacco so by him or her stemmed or manufactured, to be recovered by a warrant before any justice of the peace for the county or corporation in which the offence shall be committed, one half of which fine shall be to the use of the informer, and the other half shall be applied towards lessening the county or corporation levy; and moreover, it shall be the duty of the magistrate before whom such warrant shall be tried, to order all the tobacco found in such stemmery or manufactory, together with every sort or kind of implement employed in the same, to be seized and kept by the proper officer of the county or corporation, until the next court to be held for the same, when it shall be the duty of the said court to direct the same to be publicly sold, the proceeds of which sale shall be applied one half to the use of the informer, and the other half to be applied towards lessening the county or corporation levy. Penalty for manufacturing tobacco without a license.

2. It shall be the duty of the county or corporation courts in which any licenses to stem or manufacture tobacco shall have been granted, to appoint, at their sessions in the month of April in each year, a fit and suitable person to act as inspector of the said county or corporation for one year, whose duty it shall be to inspect all manufactured tobacco within the same, and if, in his opinion, such tobacco be good, clean and merchantable, he shall pass the same, stamp or mark the cask wherein it is packed or prized, and grant a certificate, that the same has been inspected according to law. He shall inspect no tobacco, for which the manufacturer shall not produce a manifest, and is hereby authorised and directed, to seize such tobacco wherever it may be found, dispose thereof, and pay the money arising therefrom, into the public treasury. The compensation for his services shall be fixed by the court which made his appointment, to be paid by the stemmer or manufacturer according to the services actually performed. Inspectors to be appointed. Their duty. Their pay.

3. And if any person shall presume to sell tobacco stemmed or manufactured, within this commonwealth, without the inspector's certificate, he shall be subject to the like penalty of ten dollars for every ten pounds of manufactured tobacco, so by him sold, or offered to be sold, to be recovered in like manner as directed by this act. Penalty for selling without a certificate.

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* See Revised Code, vol. 1, ch. 278, pa. 409.—Also, post ch. 73, sec. 4.

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Not to affect farmers in any county west of the Blue Ridge.

4. Nothing herein contained shall be so construed as to prevent planters or farmers in country places, from stemming or manufacturing tobacco, the produce of their own farms or plantations; nor shall this act extend to any county westward of the Blue Ridge, nor to any county in which there is no inspection established by law.

Casks to be branded.

5. *Be it further enacted*, That every person so manufacturing, shall cause to be branded upon the cask containing the tobacco so stemmed or manufactured, his own name and the name of the county in which he shall reside; which said brand or mark shall justify any person in selling the same, notwithstanding the provisions contained in section sixth‡ of this act.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXIII.

*An Act directing the registering the names, ages and sexes of Slaves in certain cases.**

[Passed January 24, 1804.]

Slaves to be registered in certain cases.

1. BE *it enacted by the General Assembly*, That in all cases where any slave or slaves shall be allotted to any widow for her dower or shall be devised to her for life in lieu thereof; or shall be held by any person for his or her life only or the life of any other person or persons, every such person entitled to such life estate, or his or her guardian, if he or she be an infant, shall within sixty days after coming to the possession of any such slave or slaves, cause to be lodged with the clerk of the court of that county wherein he or she resides, a list containing the names of all such slaves, describing their ages and sexes, under the penalty of fifty dollars for each slave; that such clerk shall record the said list in a well bound book to be kept for that purpose; for which he shall receive from the person furnishing any such list a fee of one dollar; that the increase of all such slaves, shall, within the like time from their births in like manner be registered with the said clerk, under the like penalty, and for a farther fee in each case of twenty-five cents. That in case of the intermarriage of any such widow, her husband shall from that time perform all the duties required of her by this act, under the like penalties.

Penalty for neglect.

How the penalty shall be applied.

2. That all the penalties incurred by this act shall go and accrue to any party aggrieved, to be recovered with costs by action of debt, bill, plaint, or otherwise, in any court of record.

Commencement.

3. This act shall commence and be in force from and after the first day of June next.

CHAP. XXXIV.

An Act to amend an act, entituled, "An act directing the method of proceeding against free persons charged with certain crimes, directing the mode of proceeding on indictments, informations and prosecutions, on penal statutes; and for preventing vexatious and malicious prosecutions, and moderating amercements;" and for other purposes.†

[Passed January 24, 1804.]

Free persons charged with criminal offences how to be committed.

1. BE *it enacted by the General Assembly*, That from and after the commencement of this act, when any person, not being

‡ This refers to the 2d section in consequence of the engrossed bill being amended.

* Amended, post chap. 51.

† See Revised Code, vol. 1, ch. 74, pa. 102—ch. 264, sec. 2, pa. 402,

slave, shall be charged before a justice of the peace with any treason, murder, felony, or other crime or offence whatsoever against this commonwealth, if, in the opinion of such justice, such offence ought to be enquired into, in the courts of this commonwealth, such justice shall take the recognizance of all material witnesses, to appear before the court of his county or corporation, to give evidence against the offender, and immediately by his warrant, commit the person so charged, to the county or corporation jail; and moreover, shall issue his warrant to the sheriff of the county, or sergeant of the corporation, requiring him to summon at least eight, if so many there be, of the justices of the county or corporation, to meet at their courthouse on a certain day, not less than five nor more than ten days after the date thereof, to hold a court for the examination of the fact; which court, consisting of five members at least, shall consider whether, as the case may appear to them, the prisoner may be discharged from farther prosecution, or may be tried in the county or corporation, or in the district court; and shall thereupon proceed in the same manner as prescribed by the act, entituled, "An act, directing the method of proceeding against free persons charged with certain crimes, declaring the mode of proceeding on indictments, informations and prosecutions on penal statutes, and for preventing vexatious and malicious prosecutions, and moderating amercements." If any justice before whom any person is charged with any such crime or offence, shall commit such person to jail, and neglect or refuse to issue his warrant immediately for summoning the justices of his county or corporation, to hold a court for the examination of the fact; or if any sheriff or sergeant shall neglect or refuse to obey such warrant, or neglect or refuse to return the warrant to the court so summoned, endorsing thereon the manner in which he has executed the same, every person so neglecting or refusing hereafter, shall, in either case, forfeit and pay the sum of one hundred dollars to the use of the commonwealth, to be recovered by action of debt or information, in any court of record; and moreover, shall be subject to the action of the party aggrieved, in which, if he or she recover, he or she, besides damages, shall recover double costs.

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How the fact to be enquired into

Penalty on justices and sheriffs for neglect of duty.

How to be recovered.

2. *Be it further enacted*, that when any person shall be sent by a county or corporation court, to the district court to be tried for treason or felony, the clerk of the court of the county or corporation, shall transmit and certify immediately, to the clerk of the district court, a copy or copies of the recognizance or recognizances, of each and all the witnesses, recognized to appear at the district court, to give evidence against the prisoner; and if the witness or witnesses, so bound to appear, shall fail to appear, pursuant to his, her or their recognizance, the district court shall immediately cause his, her or their default to be recorded; and it shall be lawful for the district court to issue a writ or writs of scire facias, upon which the like proceedings shall be had as if the recognizance of the witness or witnesses had been taken in the district court: *Provided*, that the witness or witnesses, shall first be summoned to shew cause, if any he, she or they can, why such scire facias should not be issued. In like manner, the clerk of the court of any county or corporation, shall certify and transmit to the clerk of the district court, a copy or copies of the recognizance of any prisoner let to bail, who is to be tried in the district court, and also a copy or copies of the recognizance or recognizances of his

Witness's recognizances to be transmitted to district courts

Proceedings thereon in case of a breach.

Also on prisoners recognizances, which are to be transmitted to district courts.

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or her bail; and if any prisoner let to bail shall fail to appear in the district court, pursuant to his or her recognizance, the district court shall immediately cause his or her default to be recorded, and shall issue a writ or writs of scire facias against the prisoner and his or her bail, upon which the like proceedings shall be had, as if the prisoner had been let to bail by the district court. The copy or copies of all recognizances so certified and transmitted to the clerks of the district courts, by virtue of this act, shall be admitted and received as evidence in the said courts, in like manner as the original or originals might have been, had they been entered into in the district courts. Any clerk failing to perform the duties required of him by this act, shall forfeit and pay for each failure, to the use of the commonwealth, the sum of one hundred dollars, to be recovered by action of debt or information, in any court of record. Any clerk failing to perform the duties required of him by the twentieth section of the before recited act, shall forfeit and pay to the use of the commonwealth the sum of fifty dollars, to be recovered in any court of record by action of debt or information.

Penalty on clerks for neglect of duty.

Prisoners not to be examined more than once for same offence

3. *Be it further enacted*, That if any person charged with any crime or offence against the commonwealth, shall be acquitted or discharged from further prosecution by the court of the county or corporation in which the offence is or may by law be examinable, he or she shall not thereafter be examined, questioned or tried for the same crime or offence, but may plead such acquittal or discharge in bar of any other or further examination or trial for the same crime or offence, any law, custom, usage, or opinion, to the contrary, in any wise notwithstanding.

Examining court may adjourn to a subsequent day if necessary.

4. *Be it further enacted*, That a court held by virtue of this, or the before recited act, for the examination of any person charged with any crime or offence against the commonwealth, may, for good cause shewn, adjourn to any subsequent day: *Provided*, That they shall not adjourn for a longer period than three days, except on the application of the prisoner, and then for not more than ten days from the day of adjournment, at which time such proceedings shall be had as if the court had proceeded to the examination of the fact at their first sitting.

Criminal not to be tried in district court till examined in inferior courts.

5. *Be it further enacted*, That before any person charged with treason or felony, shall be tried before a district court, he or she shall be examined in the manner prescribed by law, by the court of the county or corporation, wherein the offence was committed.

Judgment after verdict not to be stayed for defect in indictment if offence is plainly stated.

6. *Be it further enacted*, That after the verdict of twelve men, no judgment on any indictment or information, for felony, or any other offence whatsoever, shall be stayed or reversed, for any supposed defect or imperfection in any such indictment or information, so as the felony or offence therein charged to have been committed or done, be plainly and in substance set forth with convenient certainty, so as to enable the court to give judgment thereupon, according to the very right of the cause, any former law, custom or usage to the contrary notwithstanding.

This act not to apply to certain cases.

7. Nothing in this act contained shall be so construed as to apply to any indictment or information already filed and now depending, or in any manner to repeal the act directing the mode of suing out and prosecuting writs of habeas corpus or the act directing what prisoners shall be let to bail.

8. All acts and parts of acts within the purview of this act, are hereby repealed. 1803. Repealing clause.

9. This act shall commence and be in force from and after the first day of April next. Commencing clause.

CHAP. XXXV.

*An Act further declaring what shall be deemed unlawful meetings of Slaves.**

[Passed January 24, 1804.]

WHEREAS it is represented to the general assembly, that it is a common practice in many places within this commonwealth, for slaves to assemble in considerable numbers at meeting houses and places of religious worship, in the night, which, if not restrained, may be productive of considerable evil to the community. Preamble.

1. *Be it therefore enacted*, That all meetings or assemblages of slaves, at any meeting house or houses, or any other place or places, in the night, under whatsoever pretext, shall be deemed and considered as an unlawful assembly, and any justice of the county or corporation wherein such assemblage shall be, either from his own knowledge, or the information of others, of such unlawful assemblage or meeting, may issue his warrant, directed to any sworn officer or officers, authorising him or them to enter the house or houses, where such unlawful assemblages or meetings may be, for the purpose of apprehending or dispersing such slaves, and to inflict corporal punishment on the offender or offenders at the discretion of any justice of the peace, not exceeding twenty lashes. What shall be considered unlawful meetings of slaves.

2. *And be it further enacted*, That the said officer or officers shall have power to summon any person to aid and assist in the execution of any warrant or warrants directed to him or them for the purpose aforesaid, who, on refusal, shall be subject to a fine at the discretion of the justice, not exceeding ten dollars: *Provided*, That the provisions of this act, shall not extend to any county west of the Blue Ridge. Persons may be summoned to assist in executing a warrant. Proviso.

3. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed. Repealing clause.

4. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XXXVI.

An Act to amend and reduce into one, the several acts of the General Assembly, for regulating the Militia of this Commonwealth.†

[Passed January 28, 1804.]

WHEREAS, a well regulated militia constitutes the great defence of a free people, and it is expedient to carry into effect the laws of the Congress of the United States, providing for the na- Preamble.

*Explained and amended at the next session, see post chap. 47.

† See Revised Code, vol. 1, ch. 146, pa. 282—ch. 152, pa. 307—ch. 153, pa. 310—ch. 182, pa. 331—ch. 241, pa. 383—ch. 263, pa. 400, for arming militia. Sess. acts, 1803, ch. 45, pa. 24, for arming the militia of certain towns. Ante. ch. 6, for the distribution of arms in certain cases. See post ch. 53—ch. 84—ch. 110—ch. 112, concerning the distribution of public arms.

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Brigades and divisions formed.

1. *BE it therefore enacted*, That the counties of Accomack, Northampton, Princess Anne, Norfolk and the Borough of Norfolk, shall compose one brigade; the counties of Nansemond, Isle of Wight, Southampton, Surry, Sussex and Prince George, one brigade; the counties of Elizabeth City, Warwick, York, James City, Charles City, New Kent, Hanover, Henrico, and the cities of Richmond and Williamsburg, one brigade; the counties of Gloucester, Mathews, Middlesex, Essex, King William, King and Queen, Lancaster, Northumberland, Richmond and Westmoreland, one brigade; and the said brigades shall compose one division. That the counties of Loudoun and Fairfax, shall compose one brigade; the counties of Fauquier, Prince William, Stafford and King George, one brigade; the counties of Culpeper, Madison, Orange, Spotsylvania and Caroline, one brigade; the counties of Louisa, Goochland, Fluvanna, Albemarle and Amherst, one brigade; and the said brigades shall compose one other division. The counties of Frederick, Berkeley and Jefferson, shall compose one brigade; the counties of Rockingham, Augusta and Shenandoah, one brigade; the counties of Wythe, Montgomery and Monroe, one brigade; the counties of Washington, Russell, Lee, Grayson and Tazewell, one brigade; the counties of Rockbridge, Botetourt, Greenbrier, Bath, Kanawha and Mason, one brigade; the counties of Hampshire, Hardy and Pendleton, one brigade; the counties of Monongalia, Ohio, Brooke, Harrison, Randolph and Wood, one brigade; and the said brigades shall compose another division. The counties of Henry, Patrick, Franklin, Campbell and Bedford, shall compose one brigade; the counties of Pittsylvania, Halifax, Charlotte and Prince Edward, one brigade; the counties of Dinwiddie, Greensville, Brunswick, Lunenburg and Mecklenburg, one brigade; the counties of Chesterfield, Amelia, Nottoway, Powhatan, Cumberland and Buckingham, one brigade; and the said brigades shall compose another division.

Battalions and regiments.

2. *And be it further enacted*, That the several counties and corporations within this commonwealth, shall constitute the battalions, portions of battalions, regiments or portions of regiments, as now established: *Provided*, That it shall be lawful for the executive to consolidate and divide regiments, in the several counties, as circumstances may require.

How field officers shall be appointed & commissioned.

3. *And be it further enacted*, That there shall be an adjutant general for the militia of the state, a major general to each division, and a brigadier general to each brigade, to be appointed by joint ballot of both houses of the general assembly, who shall reside within the limits of their respective commands. Each major general shall appoint his own aid-de-camp, and each brigadier, his own brigade inspector. The brigade inspectors shall reside within the limits of the brigades for which they are appointed. And the governor with the advice of council, shall commission the several major generals, brigadier generals, and the adjutant general, who may be hereafter appointed, pursuant to this act; and all vacancies hereafter accruing in any of the said offices, shall be supplied by appointments in like manner to be made.

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4. *And be it further enacted*, That the governor, with the advice of council, shall be, and he is hereby authorised and required, to appoint and commission, to each division, one lieutenant colonel commandant and two majors, to command the several companies of artillery and cavalry (as the case may be) annexed to each division, and to arrange such companies of artillery into regiments and battalions, in such manner as to them may seem most convenient, to be denominated the regiment and battalion of the regiment of artillery, or cavalry, (as the case may be) and all returns of the strength and state of the several companies of artillery and cavalry, shall be made by the commanding officers of the several regiments, battalions and companies, under the like rules, regulations and penalties, as are by law directed, with respect to the rest of the militia.

Commanding officers of artillery and cavalry to make returns.

5. *And be it further enacted*, That, where it has not already been done, the courts of the several counties and corporations, shall, from the field and other officers, who hold commissions in the militia, proceed to recommend to the executive, the officers necessary to complete the regiments, battalions and companies, pursuant to this act; and the persons so recommended, shall be commissioned by the governor, agreeably to the constitution of this state. And all vacancies thereafter happening in the said offices of the militia, shall be supplied by appointment of the governor, with the advice of the council, or recommendation from the court of the respective county or corporation where such vacancy happens, any thing in any act to the contrary notwithstanding.

Courts to recommend the necessary officers.

[☞ Officer removing out of his county or bounds of his regiment, or not performing duty for 8 months considered as resigned. See post ch. 53, sec. 2]

6. All persons who hold commissions under the late militia laws of this state, prior to the year one thousand seven hundred and ninety-five, and who have not been recommended by their respective courts, shall be considered as supernumerary officers; but may be recommended to supply vacancies hereafter happening in the officers of the militia, and in case any supernumerary officer, so recommended, shall, on such recommendation, refuse to serve, such officer shall no longer avail himself of his former commission, so as to claim an exemption from military duty.

Who shall be considered supernumerary officers.

[Recommendations and qualifications of officers to be entered by clerks without fees. Rev. Code, vol. 1, pa. 362, sec. 2.]

7. *And be it further enacted*, That each and every officer who may be hereafter appointed and commissioned in manner aforesaid, shall, previous to his entering on the execution of his office, take the following oath, (to be administered by a justice of the peace, or the court of the county or corporation, in which such officer resides) to wit; "I do swear, that I will be faithful and true to the commonwealth of Virginia, of which I profess myself to be a citizen, and that I will faithfully and justly execute the office of in the militia thereof, according to the best of my skill and judgment, so help me God." If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his respective county or corporation, there to be entered of record by the clerk. *(a)*

Officers to take an oath.

8. It shall be the duty of the executive to number by ballot, where the same has not already been done, the several divisions, brigades and regiments, and cause the same to be registered in the office of

Divisions, brigades and regiments to be numbered.

(a) Any officer failing to qualify to his commission within one month after receiving it, shall be considered as having vacated it. See post ch. 110, sec. 7.

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the adjutant general; and every commission hereafter issued by the governor as aforesaid, shall express the number of the division, brigade and regiment respectively, to which the person obtaining the same shall belong.

Districts to be laid off and recorded.

9. Where commanding officers of regiments have failed to lay off their regimental, battalion and company districts, or where any alteration in districts actually laid off, may hereafter be found necessary, commanding officers of regiments shall assemble the commanding officers of battalions and companies, at some fit and convenient place and may proceed to lay off or alter any such regimental, battalion or company district, which districts shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the courts of enquiry, respectively.

Men allotted for actual service.

10. *And be it further enacted*, That where it has not already been done, it shall be the duty of the commanding officers of companies to proceed forthwith to divide their companies into divisions by ballot from one to ten, for the purpose of a regular rotine of duty when called into actual service; and to return a roster of each division and its number in rotation, within fifteen days thereafter to the commanding officer of his battalion, who shall forthwith transmit the same to the commanding officer of the regiment, who shall direct the same to be recorded by the clerk of the court of enquiry. The same regulations shall be observed by every commanding officer of a company, battalion and regiment, on the subsequent enrollment of any person therein, unless such person shall produce a certificate of his having been before drawn for the above purpose, in which case he shall be enrolled accordingly, and every militia man removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service; which certificate the said militia man shall produce to the captain or commanding officer of the company into whose bounds he shall so have removed, within ten days after his settlement; and such officer is hereby required to enrol him in the numerical class specified therein; and every militia man so removing and failing to produce such certificate, shall be arranged and enrolled in the class destined to perform the next tour of duty. And if any captain or commanding officer of a company, shall refuse to grant such certificate upon application to him made for that purpose he shall for such refusal, incur a penalty of thirty dollars, to be assessed and applied as other fines imposed by this act.

A militia man removing out of the bounds of his company shall obtain a certificate.

Penalty for an officer refusing such certificate.

Governor, &c. to allot entire companies of artillery, cavalry, &c. for actual service

11. *And be it further enacted*, That the governor with the advice of council, shall and may cause the several companies of artillery, cavalry, grenadiers, light infantry and riflemen, to be allotted by entire companies into divisions from one to ten, for a regular rotine of duty; and the said companies shall in future be called into actual service by entire companies, in such manner and proportion, as the rest of the militia, or as the nature of the service may require, and all such allotments shall be returned to the office of the adjutant general to be recorded by him.

Who shall be exempt from militia duty.

12. *And be it further enacted*, That the members of the council of state, judges of the superior courts, clerks of both houses of the general assembly, clerks of the superior and inferior courts, the attor

ey general, the treasurer and his clerks, the auditor of public accounts, the register of the land office, and their clerks, all inspectors of tobacco, all professors and tutors and students of the college of William and Mary, and all other public seminaries of learning, all ministers of the gospel licensed to preach according to the rules of their sect, who shall have previously taken, before the court of their county, the oath of fidelity to the commonwealth; keepers of the public, district and county jails, and of the public hospital; millers actually and necessarily employed in the management of water grist mills legally established; all ferry men actually and necessarily employed as such, shall and they are hereby exempted from the performance of all and any part of the duties required by this act. 1803.

Men to be enrolled.

13. *And be it further enacted*, That the commanding officers of companies shall enrol every able bodied white male citizen, between the ages of eighteen and forty-five, except such as are exempted by this act, resident within his district; and that in all cases of doubt respecting the age of any person enrolled or intended to be enrolled in any company of militia, the party questioned shall prove his age to the satisfaction of a majority of the officers of the company within whose bounds he may reside.

Volunteers to be enlisted for each battalion.

14. *And be it further enacted*, That the governor with the advice of council, or on the recommendation of the county or corporation courts, shall issue commissions for at least one captain, one lieutenant and one ensign, to each battalion, who shall proceed by voluntary enlistment, within their battalion, to enrol a sufficient number of men to complete their company or companies, and be distinguished by the denomination of grenadiers, light infantry or riflemen, at the discretion of the commanding officer of the regiment; and the governor shall moreover as aforesaid, issue commissions for officers of one or more troops of cavalry,* to each regiment, and with the advice of council at their own discretion, to appoint and commission the necessary officers for one or more companies of artillery in each brigade; which said officers of cavalry and artillery are hereby empowered to enlist by voluntary enlistment within their respective regiments or brigades, in such proportion to each officer respectively appointed, as the executive shall direct, a company or companies of cavalry or artillery, according to the tenor of the commissions, to be denominated respectively the company of cavalry or the company of artillery, (as the case may be.) The said companies of grenadiers, light infantry or riflemen, shall wear, while on duty, such caps and uniforms as the executive shall direct, to be purchased out of the money arising on delinquents, and shall, together with the said troops of cavalry and companies of artillery, perform the same rotine of duty, and be subject to the same rules, regulations and orders, as the rest of the militia. The said light companies shall constitute a part of the battalion in which they are raised, and the said troops of cavalry and companies of artillery shall parade with the regiment out of which they have been enlisted: *Provided*, That where there are more than one regiment in any county, and but one such troop or company, the brigadier general of the brigade of which such county is a part, shall direct with which of the said regiments the said troop or company shall parade. And where two troops of cavalry are attached to one

One troop of cavalry to each regiment, and one company of artillery to each brigade, at least.

Their uniforms.

Such companies shall form part of the battalion in which they are raised.

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* So much of this section as authorises the executive to issue commissions for more than one troop of cavalry repealed. See post ch. 53, sec. 6.

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regiment, one troop shall be annexed to each battalion by the commanding officer of such regiment. All and every officer appointed as herein before directed to command in any of the volunteer companies, who shall fail to complete his quota within six months after receiving his commission, shall, at the discretion of the executive, (unless good cause is shewn to the contrary) be discontinued *(a)*; *Provided*, That no person enlisting in any of the said volunteer companies, shall be compelled to serve therein more than five years.

Officers failing to complete their quota in a given time may be discontinued.

Volunteers to muster every two months.

Delinquents to be fined.

15. *And be it further enacted*, That there shall be a muster of each troop of cavalry, and company of artillery, once in every two months, except the months of January, February, March and December in every year; and it shall be the duty of the commanding officer of every such troop or company, and they are hereby required, at each and every muster, to call his roll, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof on oath, to the commanding officer of the regiment* within whose bounds such delinquent may reside, to be reported and proceeded against in like manner as other delinquents; and it shall be lawful for any commissioned officer of cavalry or artillery, to sit in any court of enquiry and assessment of fines, to which any person in their respective companies is reported a delinquent; *Provided*, That not more than one such officer sit in any such court at the same time.

Militia to muster every two months.

16. There shall be a muster of each company of militia, including the light companies, once in every two months, except the months of December, January, February and March, in every year, at such times and places as the regimental courts of enquiry shall from time to time, direct and appoint. And there shall be a muster of each battalion, in the month of May in every year, to be appointed by the commanding officer of the regiment to which such battalions respectively belong, at such place as he deems most convenient within the battalion district; and there shall be a muster of each regiment, in the month of October or November in every year, to be appointed by the commanding officer of the brigade to which such regiments respectively belong, at such place as he shall think most convenient within the regimental district; which said company, battalion and regimental musters, shall continue one day and no longer. The time and place of such regimental musters, shall be notified to the commanding officers of regiments, forty days previous thereto; the commanding officers of regiments shall give notice to the commanding officers of battalions, of the time and place of regimental and battalion musters, at least thirty days; and the commanding officers of battalions, to the commanding officers of companies, at least twenty days; and the commanding officers of companies to their sergeants, at least ten days; and the sergeants to each person in their companies, at least three days before such muster. The notices given by the commanding officers of brigades, regiments and battalions, shall be in writing delivered to each person to be notified, or left at his usual place of abode; and every sergeant failing to give

Regimental muster to be in October or November

Notice thereof to be given to officers.

(a) See post ch. 110, sec. 4. If the officers of any troop of cavalry, or company of artillery, light infantry, grenadiers or rifle men, fail to keep their troop or company equal in number to one half its full number, for twelve months, the executive may supersede them by granting commissions to others.—Sec. 6. None of the volunteer companies hereafter enlisted to consist of more than 75 men, rank and file.

* Altered to commanding officer of *battalion*—see post ch. 53, sec. 5.

tice agreeable to this act shall forfeit and pay for every offence, three dollars; nevertheless, all notices publicly given by the commanding officers of companies at their respective musters, of any subsequent muster, shall be held and deemed as legal notice; *Provided*, That nothing herein contained shall be so construed, as to make notices of company musters necessary. Every officer and soldier shall appear at his respective muster field, on the day appointed by eleven o'clock in the forenoon. At every muster, the commanding officer of the company, shall call his roll, examine every person belonging thereto, and note down all delinquencies accruing therein, and make return thereof, at or before the next regimental or battalion court of enquiry, to the commanding officer of his battalion, including those which occurred on the day of his last regimental or battalion muster, and the commanding officers of regiments and battalions, shall, at their respective regimental or battalion musters, as the case may be, take notice of all the delinquent officers, and shall lay the same together with the returns of delinquencies from the commanding officers of companies, before the court of enquiry under this act to take cognizance of, and determine on them; and to each of the said returns, shall be annexed the following certificate, to wit; "I do certify that the returns hereto annexed contain all the delinquencies which have occurred since my last return, having duly examined the same."

Penalty on sergeants for neglect.

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Roll to be called at company muster & delinquent returned.

Form of certificate to be annexed to returns of delinquents.

17. Every commanding officer of a company shall within ten days after every regimental muster, make up and report to the commanding officer of his battalion a return of his company in such manner and form, as shall be furnished by the proper officer from time to time. It shall be the duty of the commanding officers of battalions, to make like returns to the commanding officers of regiments within ten days thereafter, who shall cause the adjutant of his regiment to make regimental returns to their respective brigade inspectors within twenty days thereafter.

Returns to be made after regimental musters.

18. Each captain or commanding officer of a company, shall appoint to his company, four sergeants, four corporals, a drummer and fifer, to be approved of by the commanding officer of his battalion.

Noncommissioned officers & musicians to be appointed.

19. In all cases of death, absence or resignation, of any major general, brigadier general, lieutenant colonel commandant, major, captain or lieutenant, the next officer in rank in his respective commands, shall be considered as the commanding officer during such vacancy, and liable to perform the duties required by this act, and for neglect herein, shall incur the penalties annexed thereto.

In case of absence, death, &c. the officer next in rank to take command.

20. It shall be the duty of every commanding officer of a regiment, battalion or company, at their respective musters, to cause the militia to be trained and exercised, agreeably to the mode of discipline prescribed by congress, under pain of being arrested and tried for breach of duty; and for this purpose, the said officers are hereby authorised to order the most expert and fit officer in their respective commands, to perform the duty.

Militia to be exercised, and for failure commanding officer to be arrested.

21. And in order that a knowledge of the rules of discipline may be more readily obtained—*Be it enacted*, That the commissioned officers of the several regiments, shall meet once in every year within their respective regimental districts, for the purpose of being trained and instructed by the brigade inspectors, the days and places of meeting to be fixed on by the commanding officer of the bri-

Commissioned officers to be assembled & trained by the brigade inspector.

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gade to which the regiments belong.* The officers thus assembled shall each continue three days and no longer, every time they are so called out. The eldest officer present shall call the roll on each day and report the delinquencies to the succeeding regimental court of enquiry; and every officer failing to attend such meeting on being summoned, not having a reasonable excuse, to be adjudged of by the court of enquiry, shall forfeit and pay for each day which he shall fail so to attend, five dollars, to be appropriated as the other fines are by this act: *Provided always*, That where there is more than one regiment in a county, all the commissioned officers of the respective regiments in such county, shall meet together at such place as may be appointed by the commanding officer of the brigade, for the purpose of being trained and instructed pursuant to this act.

When met, roll to be called & delinquents fined. Fines appropriated.

Rules of discipline to be furnished commissioned officers.

22. And to the end that a general knowledge of the rules of discipline established by congress in their resolution of the twenty-ninth day of March one thousand seven hundred and seventy-nine, may be diffused, the executive is hereby authorised and required, if the same shall not have been already done, to procure and have a sufficient number of copies of the said rules, printed and bound in boards, to afford to every commissioned officer of the militia, one copy, and cause them to be delivered to the commanding officers of brigades, to be by them duly distributed, without delay; and upon the death, resignation or removal of any officer, the book delivered him shall revert to the public, and be returned to the commanding officer of the regiment, to be by him delivered to the officer filling the vacancy occasioned by such death, resignation or removal.—And for defraying the necessary expense thereof, the executive shall draw on the contingent fund.

In case of incapacity the rules to be returned.

For misconduct, officers to be arrested.

23. Any officer who may be guilty of disobedience, or other misbehaviour, when on duty, or shall, at any time, be guilty of any conduct unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as hereafter shall be directed.

Noncommissioned officers & soldiers, how punished for misconduct.

24. If any non-commissioned officer, or soldier shall behave himself disobediently or mutinously, when on duty, or before any court or board, directed by this act to be held, the commanding officer, court or board may confine him for the day, and he may moreover be fined, at the discretion of the court of enquiry, in any sum not exceeding ten dollars, to be appropriated as other fines imposed by this act.

By standers may be confined for improper conduct.

25. If any by-stander shall interrupt, molest or insult, any officer or soldier, while on duty, at any muster, or shall be guilty of like conduct before any court or board, the commanding officer or such court or board, may cause him to be confined for the day.

L't Col. Com. or commanding officer to be fined for neglect of duty.

26. And for enforcing obedience to this act, *Be it enacted*, That the following forfeitures and penalties shall be incurred for delinquencies, viz: by a lieutenant colonel commandant, or commanding officer of a regiment, for failing to take an oath, to summon any court or board, to attend any court or board, to transmit any recom-

* Training to be in October or November annually, and immediately preceding the regimental musters, see post chap. 53, sec. 1. Officers of artillery and cavalry to attend the training of the officers in the regiments wherein they reside, see post chap. 110, see 5.

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-endation of an officer or officers to the governor, to deliver a com- -ssion or commissions, to appoint a battalion muster, or failing to -e notice of a regimental muster, to report delinquencies, to make -turns of his regiment, as by this act directed, shall, for each and -ery such offence or neglect, forfeit and pay a sum not exceed- -; seventy dollars; for failing or refusing to receive the arms and -elivering them out, as hereafter directed, a sum not exceeding five -undred dollars; for failing to send into actual service any militia -gally called for, or to turn out his militia upon any invasion or in- -surrection of his county, three hundred dollars; for failing to ap- -ear while on duty in full uniform, ten dollars; by a major, for fail- -ng to take an oath, to summon any court or board, to attend any -ourt or board, to give notice of any regimental or battalion muster, -o examine his battalion, to report delinquencies, or to make any -eturn as directed by this act, he shall forfeit and pay for each -nd every offence and neglect, a sum not exceeding thirty dollars; -or failing to call forth from his battalion with due dispatch, any -detachment of men or officers, as shall be required from time to -ime by the commanding officer of his regiment, on any call from -he governor, invasion of, or insurrection in, his county, or requisi- -ion from any neighboring county, one hundred and fifty dollars; -or failing to receive and deliver the public arms as herein after di- -rected, a sum not exceeding two hundred and fifty dollars; for fail- -ng to appear while on duty in full uniform, seven dollars. By a -aptain for failing to take an oath, to attend any court, to inroll his -ompany, to appoint private musters, to give notice of a regimental -or battalion muster, to attend any muster, to call his roll, examine -his company and report delinquencies, or to allot his company into -divisions from one to ten, for a regular rotine of duty, or to make -any return as directed by this act, he shall forfeit and pay for each -nd every offence and neglect, a sum not exceeding twenty dollars; -failing to call forth such officers and men, as shall from time to time -be legally called from his company, upon any call from the gover- -nor, invasion of, or insurrection in the county, or requisition from -an adjacent county, or failing on such occasion, to repair to the -place of rendezvous, he shall forfeit and pay seventy-five dol- -lars; for failing to receive any arms as herein after directed, or to -give a receipt therefor, failing to distribute them, and take receipts -for the same, to make any report concerning the said arms, or to -deliver the same, according to the directions of this act, for each -nd every offence, failure or neglect, he shall forfeit and pay a sum -not exceeding fifty dollars; for failing to appear while on duty in -full uniform, three dollars. By a subaltern officer, for failing to -take any oath, to attend any court or muster, armed as directed, for -each and every such offence, he shall forfeit and pay a sum not ex- -ceeding ten dollars; failing to repair to the place of rendezvous, -armed as required when ordered, upon any call from the governor, -invasion of, or insurrection in the county, or requisition from a -neighboring county, he shall forfeit and pay fifty dollars; for fail- -ng to comply with the directions of this act, (so far as the same re- -lates to the public arms) defining the duties of captains of compa- -nies, when such captain shall be absent, and the command of such -company shall devolve on such subaltern, he shall forfeit and pay, -for every such neglect or failure, a sum not exceeding fifty dollars; -or failing to appear while on duty in full uniform, two dollars; *Pro- -vided*, That no officer shall be subject to a fine for failing to appear

Major to be fined for similar neglect.

Captain to be fined for like neglect.

Subalterns fined for neglect of duty.

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in uniform, until three months after he shall have qualified to his commission. By a non-commissioned officer, or soldier, for failing to repair to the place of rendezvous, when ordered, upon any call from the governor, invasion of, or insurrection in the county, or requisition from a neighboring county, he shall forfeit and pay a sum not exceeding eighty dollars, to be adjudged of and determined by their respective battalion courts of enquiry; and moreover, shall be inrolled in the class destined to perform the next tour of duty; and moreover, the said officers for any of the said offences shall be liable to be arrested and tried for the same as military offenders.—

Penalty for neglect of duty by a non-commissioned officer or soldier.

Any non-commissioned officer or private, failing to attend at his regimental, battalion or company muster, armed and equipped as the law directs, shall forfeit a sum not less than seventy-five cents, nor more than one dollar and twenty-five cents; and for refusing to receive any arms, when offered, for failing to keep the same in order, as herein after directed, or to return the same when legally required, for each and every such failure or neglect, he shall forfeit and pay one dollar.*

Court martial may remit such fines.

If any non-commissioned officer or private shall be returned as a delinquent, in not appearing armed and accoutred as the law directs, the court martial before whom the same shall be tried, may, if it shall appear reasonable, remit the fine incurred by him;

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Provided, every such delinquent, who hath a firelock of any kind, shall make it appear that he brought the same to muster; *And provided also*, That the commanding officers of companies shall not return any such non-commissioned officer or private, for failing to appear with a firelock at the muster, if it shall appear manifest to him, that he does not own or possess any. Any private on the ground at a regimental, battalion or company muster, who shall refuse to go into the ranks when required, shall forfeit and pay four dollars.

Courts martial to be held for the trial of officers.

27. And whereas, it is necessary that certain tribunals be instituted for the trial of offences, as they are to be viewed in a military light, *(a)* and for enquiring into certain delinquencies and assessing fines; *Be it enacted*, That the governor or commanding officer of the militia of this state, shall have power, for misconduct within his own knowledge, or upon complaint lodged in writing by any commissioned officer, to arrest and order a court martial of the state, for the trial of the adjutant general, a major general or brigadier general, to be composed of one major general, not more than four brigadier generals, and as many lieutenant colonel commandants and majors, as shall make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried, which sentence shall be final, saving an appeal to the executive. And any major general or brigadier general, for misconduct within their own knowledge, or upon complaint lodged in writing by any commissioned officer, shall have power to arrest any lieutenant colonel commandant, aid-de-camp, brigade inspector and major, or any other inferior officer; and the commanding officer of the division, shall order a court martial for the trial of such lieutenant colonel commandant, aid-de-camp, brigade inspector or major, to be composed of one brigadier general, and as many lieutenant colonels comman-

Generals, by whom to be arrested.

Officers necessary to compose a court martial for their trials.

Lt Col. Com. aid de camp, brigade inspector, major, &c. by whom to be arrested.

Court martial for their trials.

* Additional penalties respecting public arms, post chap. 84, 110, 112.

(a) See post chap. 110, sec. 1—Commanding officer ordering an arrest to determine whether the offence be cognizable before a military tribunal; and the charges to be supported by affidavit. Sec. 2—No arrest to be directed after two years from the time of the alleged offence.

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int, majors and captains, as shall make up a number not less than irteen; and such courts martial shall proceed to hear and deter- ne on all offences under this act, and may censure or cashier such cer; which sentence shall be final, saving to the party an appeal the executive. And any brigadier general, lieutenant colonel mmandant, or major, for misconduct in any captain or subaltern, hin his own knowledge, or upon complaint lodged in writing by commissioned officer, may arrest such captain or subaltern; and brigadier or commanding officer of the brigade, shall order a gade court martial, for the trial of such captain or subaltern, to be mposed of one or more field officers, and a sufficient number of ptains and subalterns to make up a number not less than thirteen; d such courts martial shall proceed to hear and determine on all ences under this act, and may censure or cashier any officer so ied; *(a)* which sentence shall be final, saving to the party an ap- al to the executive; and the power of the commanding officer of brigade or division, to affirm or reverse such sentence, is hereby olished. And in all cases of appeal, the party making the appeal, ay demand of the clerk or judge advocate of the court martial, a ll copy of the proceedings had thereon, to be laid before the exe- utive, who shall determine agreeable to the right of the case; and r obtaining the necessary evidences for the trials aforesaid, the ommanding officer of the state, division or brigade, (as the case may e) shall issue his summons; and every person so summoned, fail- g to attend, shall be subject to and may be tried, by a court mar- al, and, if an officer, may, at the discretion of the court martial be ashiered or fined, not exceeding six months' pay, as by law allow- d; and, if a non-commissioned officer or soldier, to be reported to he court of enquiry of the regiment to which he shall belong, and be hen subject to such fines and penalties, as they may think proper o inflict, not exceeding six months' pay.

Appeals may be made to the executive.

Capts. or subalterns, by whom to be arrested.

Court martial for their trials.

Appeals may be made to executive, and commanding officers' power to affirm or reverse such sentence abolished.

Party appealing may obtain & lay before the executive proceedings of the trials.

Penalty for failing to attend when summoned

28. *And be it further enacted*, That the said courts martial, shall, n the trial of any officer, proceed according to the rules and articles f war, as established by a resolution of congress, except when any ficer shall be tried for any offence committed while not in actual rvice, the officers convened for his trial, shall, instead of the oath escribed by the said articles, take the following, viz. "I, A. B. do wear that I will well and truly try and determine, according to the idence, the matter now depending between the commonwealth of rginia, and C. D. under an arrest; and that I will duly administer stice, according to law, to the best of my knowledge, without par- ality, favor or affection; nor will I upon any account at any time hatsoever, discover the vote or opinion of any particular member f the court martial, unless required to give evidence thereof, as a itness, by a court of justice, or in due course of law—so help me God;" which said oath shall be administered by the judge advocate, all the members of the court martial, and the president of such urt shall thereupon administer the following oath to the judge ad- ocate, to wit: "You, A. B. do swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or o- inion of any particular member of the court martial, unless requir-

Mode of proceeding in the trial of officers.

Oath to be taken by each officer constituting a court martial.

(a) A conviction of felony, or of misdemeanor, punishable by confinement in the penitentiary, or by stripes, or of perjury or forgery, absolutely vacates the commission of a militia officer. See post ch. 110, sec. 3.

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ed to give evidence thereof as a witness, by a court of justice, or in due course of law—so help you God."

Compensation allowed officers & witnesses for attending such court martial.

29. *And be it further enacted*, That every officer attending such court martial for the trial of any arrested officer, shall receive such compensation as if they were in actual service, allowing one day for every twenty miles they shall necessarily travel in going to, and returning from, the place appointed for such trial, and the time they shall actually attend; and every witness summoned and attending, shall be allowed the same compensation as witnessess in the district courts. Which attendance of the said officers and witnesses, shall be certified by such court, if any shall be holden; if not, by any five officers summoned to attend as aforesaid, and paid out of the contingent fund.

How paid.

Courts for assessment of fines when and where to be holden.

30. *And be it further enacted*, That there shall be battalion courts of enquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines incurred under this act in such battalion, and such courts of enquiry shall be held within fifteen days after each regimental muster, and to consist of the commanding officer of the battalion, and the commanding officers of companies, or a majority of them, who shall take the following oath, to be administered by the presiding officer, and afterwards, by any other officer of the said court, to him, to wit: "I will truly and faithfully enquire into all deliquencies which appear on the returns to be laid before me, and will assess the fines thereon as shall seem just, without favor, partiality or affection—so help me God." The commanding officer of the battalion shall then lay before the said court, all delinquencies, as directed by this act; whereupon they shall proceed to hear and determine. And there shall moreover be a regimental court of enquiry, in each year, for the assessment of fines incurred by the officers of the regiment; and such court of enquiry shall be held by appointment of the commanding officer, in not less than ten days nor more than twenty days after the last battalion court of enquiry; to consist of the commanding officer of the regiment, battalions and companies, or a majority of them, who shall take an oath in manner and form as prescribed above; the commanding officer of the regiment, shall then lay before the said court, all delinquencies as directed by this act; whereupon they shall proceed to hear and determine. It shall be the duty of the presiding officer of each and every such court of enquiry, to return to the next regimental court of enquiry, all delinquent officers failing to attend the preceding court, and such regimental court may, for good cause shewn, remit or moderate any fine imposed by the two preceding battalion courts, or the preceding regimental court of enquiry. The said court may also exempt any militia man from duty, on account of bodily infirmity, and may again direct such person to be enrolled when able to do duty.

Their oath.

Courts for assessment of fines incurred by officers, when to be held.

How fines may be remitted; & infirm persons exempted from militia duty.

The courts shall appoint a clerk and provost marshal.

Their duty.

31. The respective regimental courts of enquiry where it has not already been done, shall at their first court to be held under this act, appoint by ballot, a clerk and provost marshal, who shall attend the courts herein before directed to be held. Such clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies for regular rotine of duty, and shall make out for the sheriff a fair list of all the fines assessed by the regimental and battalion courts

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and one other list, which shall be transmitted to the auditor* on or before the first day of May next, after such regimental court of enquiry was holden, in each year, and all other duties required by this act, and, together with the provost marshal, shall receive such allowance to be paid out of the fines, as the court shall think reasonable.

[☞ See post ch. 53, sec. 3, 4, allowance and duties of clerks and provost marshal]

Sheriffs to collect fines and pay them into the treasury.

32. All fines to be assessed by virtue of this act, shall be collected by the sheriff of the county, upon a list thereof, certified by the clerk of the court of enquiry, and delivered to the sheriff on or before the first day of January, in every year; but no fine imposed at any court of enquiry shall be put into his hands before a subsequent court of enquiry shall have intervened; the sheriff shall give his receipt therefor, and having deducted a commission of six per centum, shall account for and pay the residue into the public treasury, on or before the fifteenth day of December next thereafter, under the same penalties, and subject to the same mode of recovery, as are prescribed by law with respect to the collection of the taxes. And should any person so charged with fines fail to make payment on or before the first day of May, in any year, the sheriff is hereby authorised to make distress and sale therefor; *Provided nevertheless*, That the commanders of regiments, shall have power, for good cause shewn, and where it shall appear that any non-commissioned officer or private had it not in his power, to attend the regimental court of enquiry, to offer his excuse, to suspend the collection of said fine, until the next regimental court of enquiry, by a written order to the clerk of such court or to the sheriff, as the case may be; *Provided*, such application is made before the first day of March next after the said fine shall have been imposed; which said regimental court of enquiry, shall order and adjudge as if such excuse had been offered in due time.

Their compensation.

May distress for fines after first of May.

Proviso.

Further proviso.

How fines due by persons not having visible property may be collected.

33. *And be it further enacted*, That if any person on whom any fine shall be imposed shall not have any visible property, it shall be lawful for the sheriff to attach the effects or money of such delinquent in the hands of any person, and it shall be lawful for such garnishee to satisfy and pay the amount due on account of such fines; and it shall be a discharge for so much against such delinquent, but if he shall refuse or fail to pay the said amount it shall be the duty of such sheriff to summon such garnishee before the nearest justice of the peace for such county, informing him the precise time he shall appear, and if he shall appear and on oath confess that he has effects in his hands, or stands indebted to such delinquent sufficient to satisfy such fine and costs, or if he shall fail to appear, it shall be lawful for the said justice to award execution against such garnishee for the amount thereof, or so much as shall appear to be in his hands, including sixty-three cents as a fee to such sheriff; *Provided*, That before such justice shall award any execution for default, he shall require an oath that such garnishee was duly informed of the time of such application.

Sheriffs to pay all drafts drawn by the lieut. colonel com. by the first October.

34. *And be it further enacted*, That the sheriff of each county shall on or before the first day of October in every year, pay and satisfy all drafts of the lieutenant colonel commandants, drawn as herein after directed, for any purpose authorised by law, and on failure so to do, the court of the county whereof he is sheriff, shall be and here-

* Formerly to the executive. See Revised Code, vol. 1, ch. 182, sec. 30, pa. 338.

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by are impowered and required, on motion of the lieutenant colonel commandant to render judgment against the said sheriff, his executors or administrators, for the amount of such draft with the costs of the said motion, upon which judgment, execution shall issue, be endorsed and proceeded on in like manner as executions are directed by law, in other cases against delinquent sheriffs; *Provided*, where it shall so happen, that the sheriff of any county shall be commanding officer of a regiment therein, the officer next in command shall proceed as herein particularly directed.

Proviso.

Return of drafts to be made to county courts, &c.

35. The commanding officer of every regiment shall, on or before the first day of December, in every year, render to the county or corporation court, an account of all the drafts made by him on the sheriff or collector, for such requisites as under this act, he is authorised to purchase or procure, specifying therein the particular articles for which such drafts were given, and the passing of such account by the court, shall exonerate such officer from any claim by the commonwealth.

Lists not returned in due time by whom to be collected.

36. *And be it further enacted*, That if it shall have so happened that lists of fines have not in due time been delivered to a sheriff for collection, any succeeding sheriff shall and is hereby directed to receive such lists, and shall collect and account for the same in like manner with other fines placed in his hands for collection.

How the fund arising from fines shall be applied.

37. Whatever fines shall be thus paid into the public treasury by virtue of this act, shall be held as a fund for defraying the salaries of the officers herein after mentioned, and equipping and furnishing the militia with all necessary apparatus for the defence and security of the state, and the treasurer shall keep a separate book for the same and the expenditures thereof.

Colours, drum & fife to be furnished each regiment and battalion.

38. The lieutenant colonel commandant shall cause to be purchased out of the money arising from the fines, a set of colours for each regiment, and also a set of colours for each battalion; he shall also procure in like manner, for each company, a drum and fife or bugle-horn; and on the colours and drums shall be marked the number of the regiment and the battalion, together with the name of the county to which they belong.

Captains who have advanced money for their companies, how refunded.

39. And whereas, it is represented that sundry captains of companies have already advanced money for the purchase of drums, fifes and colours, for the use of their respective companies: *Be it enacted*, That in such cases, the sheriff, upon a certificate from the lieutenant colonel commandant of the regiment, to which such captain shall belong, shall refund the money to the said captain, which shall have been thus advanced, for which the sheriff shall have credit in the settlement of his account with the auditor.

Drafts and insolvencies duly certified to be allowed by the auditor.

40. And whereas sundry other charges and expenses are authorised herein: *Be it enacted*, That the sheriff having a draft or drafts from the lieutenant colonel commandant, shall be authorised to discharge the same, for which, as well as all insolvencies duly certified by the clerk of the court of enquiry, he shall be allowed on a settlement between the auditor and sheriff.

Sheriffs to return lists of insolvents to the court of enquiry to be examined & certified by their clerk.

41. *And be it further enacted*, That it shall be the duty of the sheriffs who undertake the collection of militia fines, to return before the next succeeding regimental court of enquiry, after receiving a list of such fines, a list of all insolvencies within such regiment, to

examined by said court, who shall judge of such insolvents, and all direct their clerk to certify a part or the whole of any such list to them shall seem just.

In case of invasion or insurrection the executive shall call out the militia.

42. *And be it further enacted*, That the governor with the advice of council, be authorised and empowered, on an invasion or insurrection, or probable prospect thereof, to call forth such a number of the militia, and from such counties as they may deem proper, and for the accommodation, equipment and support of the militia, so at any time to be called forth, the governor with the advice aforesaid, may appoint such quarter masters, commissaries and other staff as to him shall seem proper, and fix their pay and allowances; and shall also take such measures for procuring, transporting and issuing all orders which may be necessary, as to him shall seem best; orders for the militia to be called forth as aforesaid, shall be sent to the commanding officers of brigades, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers by detail and rotation of duty.

Impressments to be made by the lieutenant colonel commandant.

43. The lieutenant colonel commandant or commanding officers of regiments from which detachments are drawn, shall cause to be procured by impressment or otherwise, for each company, a waggon, team and driver, six axes and six camp kettles or pots, of convenient size, all which shall be delivered to the commanding officer of the company, who shall be accountable for returning the same when his tour is over, and the articles aforesaid shall be returned to the owners, who shall be allowed for the use of the same whatever shall be adjudged by the court herein after appointed for enquiring into delinquencies; and to the end, if any article impressed by virtue of this act, to be valued by two or more freeholders, on oath, before the same shall be sent away, and upon proof being made of any article being lost, the valuation thereof shall be allowed without any allowance for the use, and the said allowance shall be certified to the auditor of public accounts. The said court shall make inquiry into the cause of such loss, and if it shall appear that the said loss was occasioned by the misconduct or inattention of any officer, the lieutenant colonel commandant, or commanding officer, is hereby authorised and required to prosecute a suit against such officer for the recovery of damages for the use of the commonwealth.

A second call of the militia may be made if the first proves insufficient.

44. And if it shall appear to the executive upon calling forth the militia, as aforesaid, that the necessary number and ranks of officers will not attend the detachments for officering them at the places of rendezvous, the governor, with the advice of council, is hereby authorised and required to appoint such officers as may be necessary from the counties called upon as they may think proper, to join the detachments so raised. If a sudden invasion shall be made in any county in this commonwealth; or, in case of an insurrection in any county, the commanding officer of the militia in such county is hereby authorised and required to order out the whole or such part of the militia as he may think best, for repelling or suppressing such insurrection, and shall call on the commanding officers of regiments in the adjacent counties, for such aid as he may think necessary, who shall forthwith in like manner furnish the same.

When in actual service to be governed by the articles of war of the U. S. troops.

45. Whenever any militia shall be called forth into actual service aforesaid, they shall be governed by the articles of war, which govern the troops of the United States. And courts martial shall

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be held as therein are directed, to be composed of militia officers only, for the trial of any person in the militia, but to the cashiering of any officer, or capital punishment of any person, the approbation of the executive shall be necessary; and when any militia shall be in actual service of the state, they shall be allowed the same pay and rations as are allowed by law to the troops of the United States.

Commanding officer of every battalion to appoint a patrole.

46. *And be it further enacted*, That the commanding officer of every battalion shall from time to time as he may deem it necessary, appoint an officer or non-commissioned officer, as the case may be, and so many men of the militia as to him shall seem necessary, once in every month or oftener if thereto required by such officer, to patrole* and visit all negro quarters and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons as aforesaid, unlawfully assembled, or any others strolling from one plantation to another without a pass from his or her master or mistress, or overseer, and take them before the next justice of the peace, who, if he shall see cause, is hereby required to order every such slave, servant, stroller or other disorderly person as aforesaid, to receive any number of lashes not exceeding twenty, on his or her bare back; and in case one company of patrollers shall not be sufficient, more companies may in like manner be ordered for the same service, and after every patrole, the officer of every party shall once in every three months, at least, or oftener if required by the commander of the battalion, return a report in writing upon oath, to the court of the county in which he shall reside, and if the said court shall judge the said patrollers to have performed their duty, they are hereby empowered to levy seventy-five cents for every twelve hours each of them shall so patrole, and every officer failing to appoint patrollers according to the directions of this act, shall forfeit and pay twenty dollars for every such failure; and every sergeant failing to notify the number of privates ordered by such officer, or to attend such patrole shall forfeit and pay for every such failure three dollars; and every patrole failing to attend and do his duty, shall forfeit and pay one dollar; which fines shall be laid, collected, accounted for, and appropriated as is herein directed in other cases of fines.

Their powers & duty.

Their pay.

Penalty for failure of duty.

Compensation to the adjutant general.

To the brigade inspectors.

☞ See post ch. 53, sec. 1.

47. *And be it further enacted*, That the adjutant general shall be allowed three hundred dollars per annum to be paid quarterly as a full compensation for all the duties imposed on him by law, and each brigade inspector shall be allowed eight dollars for every day he shall attend the training and regimental muster, and ten cents per mile he shall necessarily travel in going and returning; which shall be certified by the commanding officer of such regiment, and paid by the treasurer on warrant from the auditor out of any money in the treasury. And if he shall fail to attend at any time, it shall be lawful for such commandant to appoint some officer to perform the duties required of such brigade inspector who shall receive the same compensation per day, and which shall be certified in the same manner as is herein before directed, in the case of the brigade inspectors for their attendance, and the said brigade inspectors shall moreover be liable to a fine of twelve dollars for every day they shall fail to attend, without having a reasonable excuse.

For failing to attend some other officer to perform their duty, & fined unless good excuse be given.

* Magistrates may also order out patroles. See Revised Code, volume 1, page 406.

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48. And it shall be the duty of the said brigade inspectors to make their annual returns to the adjutant general, on or before the first day of April in every year, under the penalty of fifty dollars for every failure. They shall make annual returns.

49. And for the purpose of ascertaining what tribunal shall have power to award judgment for penalties herein imposed on brigade inspectors for a failure of duty, *Be it further enacted*, That it shall be the duty of the commanders of regiments wherein any delinquency shall take place, or the adjutant general, where any brigade inspector shall fail to make his return as herein directed, to inform the brigadier general, commanding such brigade, thereof, who shall thereupon lay the same before the regimental court of enquiry, within the bounds of which such brigade inspector shall reside; and it shall be the duty of such court to direct that notice be given to him to appear at the next succeeding regimental court of enquiry; at which if such notice has been given, the matter shall be determined as in other cases of delinquencies; which fines shall be collected and accounted for as other fines. How judgment shall be awarded for penalties incurred by brigade inspectors.

50. The commanding officers of regiments are hereby empowered to receive the commission of any officer of his regiment, who may think proper to resign,* and shall notify such resignation to the next succeeding court, in order that such vacancy may be supplied. Commanding officers may receive the commission of any officer of his regiment resigning.

51. All arms, ammunition and equipments of the militia, shall be exempted from executions and distresses at all times, and their persons from arrests and process in civil cases, while going to, continuing at, or returning from musters, and while in actual service. Arms, ammunitions, &c. free from executions and persons from arrests while going & returning or on duty.

52. The militia of the City of Williamsburg, City of Richmond, and Borough of Norfolk, shall have their officers appointed, and be under the same rules and regulations, as the different counties.

53. The fines and penalties incurred by infants and apprentices for the breach or neglect of their duty, in any particular service by law required of them shall be paid by the parent, guardian or master. How fines incurred by infants & apprentices shall be paid.

54. It shall be lawful for the lieutenant colonel commandants and they are hereby required to appoint a regimental staff, to consist of one adjutant, one quarter master, one pay master, one surgeon, and one surgeon's mate, and it shall be the duty of the adjutant, to attend the several regimental and battalion musters, as also the meeting of the officers within his regiment, to assist in the necessary training of the militia, and shall receive for such service such compensation as shall be adjudged and allowed by the regimental court of enquiry, to be paid by order of the commanding officer of the regiment, out of the fines to be collected by virtue of this act. A regimental staff to be appointed. Their duty & pay. [☞ Pay of adjutant fixed at six dollars a day.—See post ch. 53, sec. 3.]

55. And whereas inconveniencies have arisen from the want of a safe and speedy conveyance of orders from the major and brigadier generals, to the commanding officers of corps, respecting the militia of this commonwealth; for remedy whereof; *Be it enacted*, That the major generals and brigadier generals are hereby empowered Persons may be employed to convey the major & brigadier general's orders.

* See post ch. 84, sec. 7. No officer can resign in less than five years after qualification without the consent of the regimental court of enquiry, or the executive.

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and authorised to employ some person within their respective districts to convey all such orders, who shall be exempt from all other militia duty, and shall receive such compensation as the court of enquiry of the regiment in which district he shall reside shall think proper, on his producing a certificate to the court of his having discharged the said services. And it shall be the duty of the auditor by order of the executive to issue his warrant on the fund arising from militia fines, and the treasurer shall pay the amount thereof.

Their pay.

How to be paid.

Drummers & fifers to be instructed in their duty.

56. *And be it further enacted*, That the commanding officer of each regiment shall cause to be enlisted so many drummers and fifers as he shall deem necessary for his regiment who are to meet on the days appointed for the training of the commissioned officers there to be instructed in their respective branches of music, for which purpose the commanding officer of the regiment may employ such persons as he may think proper and capable to instruct them, and shall direct in what manner they shall be instructed. The regimental courts of enquiry shall determine the allowance to be made to the persons employed to instruct them as also to the drummers and fifers while convened for the purpose of receiving such instruction, which allowances shall be paid on the order of the commanding officer of the regiment, out of the fines collected under this act.

Their pay, also, their instructors.

Militia to be armed in part.

57. And for the purpose of arming the militia of this commonwealth, *Be it further enacted*, That the executive be, and they are hereby authorised and directed, where the same has not already been done, to distribute without delay amongst the several regiments of militia, according to their strength as ascertained by the last returns of each, two thirds of all the arms and accoutrements belonging to the state, as well those on hand as those that may hereafter be procured under appropriations already made by law, *Provided*, That before the delivery thereof, they shall cause each musket and cartridge box to be stamped with the name of the county and number of the regiment, to which they may be allotted.

How to be distributed.

[See post ch. 84, further duties, & additional penalties, respecting arms distributed —Further regulations, post ch. 110, & ch. 112.]

58. *And be it further enacted*, That it shall be the duty of each and every officer commanding a regiment to receive such arms and accoutrements when they shall be offered, and grant a receipt therefor to the governor, for the time being, describing their condition at the time of such receipt, and shall moreover deliver the same to the officers commanding battalions in such regiments, in like proportion. And it shall be the duty of officers commanding battalions respectively, to receive all such arms and accoutrements, and grant a receipt therefor, to the officer commanding the regiment, stating their condition at the time of such delivery, and shall moreover deliver the same to the several officers commanding companies in the respective battalions, in due proportion, according to the number of men belonging to such companies, it shall be the duty of each officer commanding a company to receive the same and grant a receipt therefor, to the officer commanding the battalion, describing in like manner the condition of such arms, and shall moreover deliver the same into the hands of his non-commissioned officers and privates, in such manner as may be directed by the commanding officer of the regiment, and it shall be the duty of all non-commissioned officers and privates to receive such arms when they shall be offered and grant a receipt for the same, making themselves liable for the safe keeping thereof, and for their delivery when legal-

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ly called on for that purpose. It shall be the duty of all persons in the militia who receive into their possession public arms, according to the direction of this act, to keep the same in neat and good order, the musket barrel and bayonet free from rust, and bright, the lock clean, well oiled, and with a good flint, and to appear with such arms at every muster where by law they are obliged to appear, and at all other times when they may be called on duty, and at all musters the officers in their respective stations, shall be diligent and careful in training and instructing their men and inspecting their arms, in noting delinquencies, and making report thereof as herein after directed.

Persons receiving such arms to keep them in good order.

59. If any person in the militia possessed of public arms as aforesaid, shall be about to remove out of the limits of the company to which he belongs, or during such possession arrive at the age of forty-five years, or in any other manner have a right to be discharged from militia duty, every such person before such removal, or before he shall be entitled to any such discharge, shall deliver to the officer commanding the company to which he belongs in good order, and unimpaired, such public arms as may have been delivered to him, and if any person so possessed shall die, it shall be the duty of the officer commanding the company to which he belonged, immediately to take possession of such arms, inspect and take care of them, in the manner herein after directed, to be delivered to some other person in his company in manner before directed.

Persons removing or exempted from duty to return the arms.

60. It shall be the duty of the commanding officers of companies from time to time to inspect the public arms in the possession of the non-commissioned officers and privates of their companies, and where it shall appear to him that any such arms are not in the condition required by this act, it shall be the duty of such officer to report the same as other delinquencies, and if it shall at any time come to his knowledge that any one of his company has embezzled or disposed of his arms, or has removed out of the limits of his company, without delivering them up as herein before directed, in all such cases it shall be his duty immediately to proceed by and under the authority of a warrant according to law, issuing from any justice of the peace of the county or counties, where such arms or any part thereof are supposed to be to regain the possession of such arms wherever the same may be found, and it shall moreover be the duty of such captain to proceed as is herein after directed, to bring to punishment according to this act, every person offending in the disposing, buying or concealing such arms.

Commanding officer to inspect the arms of his company.

How persons disposing of or removing without returning their arms, may be punished.

61. *And be it further enacted*, That any non-commissioned officer or soldier, who shall attempt to transfer a right to the said arms in his custody, or to any part thereof, by sale or otherwise, to any person or persons, accompanied with actual delivery, as well every person so offending, as every person purchasing or concealing the said arms, knowing the said arms to be the property of the public, shall forfeit and pay for each offence the sum of fifteen dollars, to be recovered in the name of the commonwealth, by motion in any court of record within this state, *Provided* such person, his agent or attorney shall have ten days previous notice of such motion, and the right of the commonwealth to such arms, shall not by such or any other mode of transfer, be impaired or taken away.

Any soldier selling and any person buying public arms, shall be fined.

Provided they have ten days notice.

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Artillery, grenadiers and infantry to be armed entirely.

62. And whereas the several companies of artillery, grenadiers, light infantry, riflemen and troops of cavalry are allotted into classes by entire companies and troops; *Be it therefore enacted*, That the governor cause them to be armed by entire troops and companies agreeable to their respective numbers, beginning at number one in each regiment, as soon as the arms necessary for that purpose can be obtained, and they shall be subject to the same rules and regulations for the safe keeping the said arms, as are prescribed by this act to the rest of the militia.

Proviso.

63. *Provided*, That nothing in this act contained shall be construed as a repeal of the act, entituled, "An act concerning patroles," or of the act, entituled "An act for the distribution of arms in certain cases."

3000 copies of this act to be distributed.

64. *And be it further enacted*, That the executive shall cause to be printed three thousand copies of this act to be distributed by them to the officers of the several regiments of militia in this commonwealth.

Commencement.

65. This act shall commence and be in force, from and after the first day of April next.

CHAP. XXXVII.

*An Act, to amend an act, reducing into one, the several acts, for the Inspection of Tobacco.**

[Passed January 30, 1804.]

Preamble.

WHEREAS it is represented to this General Assembly, from the enlarged size of tobacco hogsheads, and from other causes, the rates of rent hitherto allowed and paid to the proprietors of brick and stone warehouses, as well as of wooden warehouses, do not sufficiently compensate the said proprietors for the use of the same; for remedy thereof,

Rents for warehouses.

1. *BE it hereby enacted*, That the rents of the several warehouses which are now established, shall be, and the same are hereby, fixed at the following rates: All warehouses built with brick or stone, and covered with tiles or slate, shall be allowed and paid a rent, for the use of the same, of fifty cents for every hogshead of tobacco, which hereafter shall be received, inspected or delivered out of such warehouses respectively; and all warehouses built with wood, shall be allowed and paid the same rent, thirty seven cents and one half of a cent whereof, shall be paid by the inspectors to the proprietors of the said warehouses, and the balance thereof shall be paid into the public treasury of Virginia, in like manner with other sums, which are collected by them and paid into the said treasury, in pursuance of the act of assembly, reducing into one the several acts, for the inspection of tobacco.

Owners of warehouses disqualified from being inspectors or commissioners thereof.

2. *And be it further enacted*, That no proprietor of a warehouse shall hereafter be appointed an inspector or commissioner thereof; and all inspectors or commissioners, who shall hereafter become proprietors of any public warehouses, shall thereby be disqualified from

* See Rev. Code, vol. 1, ch. 135, pa. 252—ch. 154, pa. 310—ch. 207, pa. 365—ch. 214, pa. 369—(ch. 278, pa. 409, concerning the manufacture of tobacco; amended ante ch. 32, and post ch. 73, sec. 4.)—See also post ch. 46—ch. 58—ch. 73.

holding the said office of inspector or commissioner, and every person or persons, who, after such disqualification, shall presume to perform the duties of the said offices, shall forfeit and pay the sum of five hundred dollars, to be recovered by action of debt, or information, before any court of record within this commonwealth, one half whereof shall be to the use of the informer, the other half to the use of the commonwealth. 1803.

Salaries for inspectors at certain places.

3. *Be it further enacted*, That the salaries of the inspectors at the following warehouses, shall be as follows: at Nicholas's warehouse, two hundred and fifty dollars; at Rivanna, two hundred and fifty dollars; at Swann's Creek, two hundred dollars; at Cannon's, two hundred and fifty dollars; at Horseley's, two hundred and twenty dollars; at Martin's, two hundred and eighty dollars; at Amherst, two hundred and ten dollars; at Tye River, two hundred dollars; at Wicomico warehouse, one hundred and thirty three dollars, thirty three cents; and at Camden warehouse, one hundred and fifty dollars.

Inspection tax increased.

4. *Be it further enacted*, That in addition to the sum of one dollar, heretofore directed to be paid to, and received by the inspectors, at the different public warehouses, in pursuance of the twenty first section of the above recited act, there shall be paid by the exporter or manufacturer of tobacco, to the inspectors, the further sum of twenty five cents.

Refused tobacco how disposed of.

5. *Be it further enacted*, That when any tobacco shall be brought to a public warehouse, which, in the estimation of the inspectors thereof, ought not to pass, the owner of such refused tobacco, shall have his choice, either to pick, or to have the same picked, according to the regulations of the present law; or he may direct the inspectors to receive the same within their warehouse for safe custody, until the commencement of the next ensuing inspection; and the inspectors are hereby bound, upon the verbal or written directions of the said proprietor, to receive such tobacco, being previously paid fifty cents for each hogshead; which shall be appropriated to the payment of warehouse rents, and the said tobacco safe to keep in their custody until the commencement of the ensuing inspection, unless previously required by the proprietor to reinspect the same; if the tobacco thus laid by, shall not have been reinspected, at the request of the proprietor, it shall then be lawful for the inspectors and they are hereby directed, if practicable, within ten days after the commencement of the succeeding inspection, to uncase and reinspect the same, and if in their opinion, it shall be sound, merchantable and clear of trash, they shall grant receipts or notes for the same, in manner and form heretofore prescribed by law; but if refused, it shall be immediately picked, as is by law directed: *Provided always*, That this section shall not be so construed, as to compel the public to pay to the proprietor of the said tobacco, the value of the same, should it be burnt or otherwise destroyed, previous to its being reinspected.

[☞ See post ch. 58, & ch. 73, sec. 4, as to refused tobacco.]

When inspectors shall settle their accounts for rents.

6. *Be it further enacted*, That the inspectors of all warehouses shall settle with and pay the rents due thereon, to the proprietors thereof, on the tenth day of April and the tenth day of October in each year, under the penalty of one thousand dollars for every failure, to be recovered by the proprietors, on motion to the next succeeding court, to be holden for the county or corporation, ten days previous notice being given.

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When they shall sell their transfer tobacco.

7. *And be it further enacted*, That the inspectors at the several warehouses in this commonwealth, shall hereafter sell their transfer tobacco at October court.

Repealing clause

8. All acts or parts of acts, which come within the purview of this act, shall be, and the same are hereby repealed.

Inspectors fined for failing to burn refused tobacco.

9. *And be it further enacted*, That if any inspector, or inspectors, shall fail to have all refused tobacco actually burnt, according to law, he or they for every such omission, shall forfeit and pay the sum of one hundred dollars, to be recovered by motion, in any court of record within this commonwealth, one half to the use of the commonwealth, and the other half to the informer.

[☞ See marginal note to sect. 5.]

Ducked tobacco to be reinspected &c.

10. *And be it enacted*, That when any inspected tobacco shall get ducked in transportation down any river or canal, the same shall be carried to some warehouse, there to be reinspected, hung up, and dried and reprized in good order under the direction of the inspectors, or of the superintendant of the public warehouse, and when so reprized, the inspectors or superintendant, as the case may be, shall reweigh the same, and mark the true weight upon each cask, for which service, and finding nails, the owner shall pay six dollars for each hogshead.

Commencement.

11. This act shall commence and be in force from and after the first day of April next.

CHAP. XXXVIII.

*An Act to amend an act, to reduce into one act, the several acts concerning the Auditor and Treasurer.**

[Passed January 30, 1804.]

Auditor to be chosen annually.

1. BE *it enacted by the General Assembly*, That the auditor of public accounts shall hereafter be chosen annually, by joint ballot of both houses of assembly; *Provided nevertheless*, That the present auditor shall hold his office until the first day of January next. So much of the above recited act as comes within the purview of this act, shall be and the same is hereby repealed.

Commencement.

2. This act shall commence and be in force from the passing thereof.

CHAP. XXXIX.

An Act for incorporating the Bank of Virginia.

[Passed January 30, 1804.]

Bank established.

Capital.

1. BE *it enacted by the General Assembly*, That a bank of Virginia shall be established at Richmond, the capital stock whereof shall not exceed one million five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and the subscriptions towards constituting the said stock, shall on the first Monday in May next be opened at Richmond for three thousand seven hundred and fifty shares; at Norfolk for three thousand shares; at Petersburg for two thousand two hundred and fifty shares; at Fredericksburg for fifteen hundred shares; at Winchester for five hundred and twenty five shares—at Staunton for four hundred and fifty shares; and at Lynchburg for five hundred and twenty five shares;—under the superintendance of Edward Carrington, Joseph Gallego, Robert Pollard, George Jefferson, Philip N. Nicholas,

Commissioners appointed to receive subscriptions.

* See Revised Code, vol. 1, ch. 85. page 139.

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...n Brockenbrough, Thomas Rutherford, Benjamin Hatcher and ...mes F. Leitch, at Richmond; of Littleton W. Tazewell, Thomas ... Parker, Richard Blow, George M'Intosh, Theodorick Armis... Richard E. Lee, William Bennett, John E. Holt, and Solo... Bedinger, at Norfolk—of Robert Birchett, Robert Colquhoun, ...enezer Stott, Archibald Thweatt, Paul Nash, John Bell, and ...n Wilder, at Petersburg—of Robert Patton, George French, ...phen Winchester, Alexander Duncan, Thomas Goodwin, John ...ndell, and William S. Stone, at Fredericksburg; of Hugh ...imes, Edward Smith, Robert Mackey, Adam Douglas, William ...vidson, John Ambler, Archibald M'Gill, and John Milton, at ...nchester—of John Wayt, Alexander St. Clair, John Fackler, ...muel Blackburn, John Coalter, John M'Dowell, Jacob Swoope, ...d Jacob Kinney, at Staunton; of James Steptoe, William Brown, ...omas Higginbotham, Samuel Irvine, William Warwick, Joel ...ncey, James Stuart, and Thomas S. M'Cleland, at Lynchburg; ...d a majority of the said commissioners, at the places above men... ...ed respectively, shall be sufficient to perform the duties of their ...pointment; and they shall keep the subscription open at least ... the term of ten days, and if not completed at the expiration ... that term, then they shall keep the same open until the number ... shares at the places above mentioned respectively, shall be sub... ...ribed for, and no longer—but if the subscription shall be filled at ...y time before the expiration of the said term of ten days, then, and ...mediately after the same shall be so filled, no person, or copart... ...ership or body politic, shall, during the remainder of the term a... ...resaid, be permitted to subscribe for more than two shares.

Persons subscribing exclusively entitled to the benefit of shares.

2. *And be it further enacted*, That all the subscriptions and the ...hares obtained in consequence thereof, shall be deemed and held ... be for the sole and exclusive use and benefit of the persons, co... ...rtnerships or bodies politic, respectively subscribing or in whose ...behalf the subscriptions respectively shall be declared to be made, ...the time of making the same; and all bargains, contracts, promi... ...s and engagements, in any wise contravening this provision shall ... void; and the persons, co-partnerships or bodies politic, respect... ...ely so subscribing, or for whose use the subscriptions shall be de... ...ared, to be made as aforesaid, shall have, enjoy and receive the ...are or shares respectively, obtained in consequence thereof; and ... the interest and emoluments thence arising, as freely, fully, and ...olutely, as if they had respectively paid the consideration there... ..., any such bargains, contracts, promises or engagements to the ...ntrary notwithstanding: *Provided however*, That no subscription ...all be received in Richmond, during the ten first days appointed ...r receiving the same, except in the name of some person or per... ...ns residing in the said city or in some part of the state, other than ...e cities and towns herein before mentioned as places for opening ...scriptions; and so with respect to Norfolk, Petersburg, Frede... ...sburg, Winchester, Staunton and Lynchburg; thereby render... ...g the inhabitants of all the said towns, unable for the first ten days ...subscribe in any town, except that in which they may reside, or ...have subscriptions made in their names or for their use.

Proviso.

Company incorporated.

3. *And be it further enacted*, That the subscribers to the said ..., their successors and assigns, shall be, and are hereby created, ...nde a corporation and body politic in law and in fact, by the ...e and style of "*The President, Directors and Company of the*

1803. *Bank of Virginia*," and shall so continue until the first day of May one thousand eight hundred and eighteen, and no longer; and by the name and style aforesaid, they shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding in the whole three millions five hundred thousand dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien or dispose of; to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever—and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution such bye laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation; not being contrary to the laws of this state, or of the United States; and for the making whereof, general meetings of the stockholders may be called by the directors, in the manner herein after specified, and generally to do and execute all acts, matters and things which a corporation or body politic, in law, may or can lawfully do and execute, subject to the rules, regulations, restrictions, limitations and provisions herein after prescribed and declared.

Regulations to be observed in obtaining subscriptions.

4. *And be it further enacted*, That it shall be lawful for any person, copartnership, or body politic, in person or by attorney, to subscribe for a share or number of shares, not exceeding thirty, in any one day, except in the case before provided for; and except also, as shall be herein after directed, relatively to the commonwealth of Virginia; but in case the amount of subscriptions at any of the places before mentioned shall exceed the number of shares there allowed to be subscribed, the excess thus created, shall be reduced within the number of shares authorised to be subscribed at such places respectively, in manner following, that is to say; from the subscription and subscriptions highest in amount, the proper commissioners shall subtract a share or shares, until the same shall be made equal to the subscription or subscriptions, next highest in amount; and as often as the case shall require, they shall so proceed to subtract, a share or shares, from the subscription or subscriptions, remaining from time to time, highest in amount, until the aggregate of all the subscriptions be reduced to the number of shares authorised to be subscribed at the places before mentioned, respectively; and if by and after the operation of such subtraction (as often as the same shall be necessarily made and repeated as aforesaid) a greater number of shares may be allowed to one or more of the subscribers than to the rest, or if the number of shares shall eventually be greater than the number of shares authorised at the places before mentioned respectively, so that at least one share cannot be allowed to each and every subscriber, then, and in either of the before mentioned cases, the commissioners shall ascertain by lot, in whom the greater number of shares or the right of subscribing for and retaining one share, (as the case may be) shall be vested; and the person and persons in whose favor the lot may thereupon fall, shall be deemed to all intents and purposes, the lawful subscriber and subscribers, for such share and shares respectively; and the amount of the share or shares subscribed for, except in the case of the commonwealth, shall be paid by the several and respective subscribers in gold or silver—one

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fifth thereof at the time of subscribing; one fouth within sixty days after the bank shall go into operation; one fourth within one hundred and twenty days; and one fourth, in six months, to the president directors for the time being: *Provided always*, That it shall be lawful for any subscriber to pay the whole of his subscription money, or any greater part than is hereby required, before the time hereby limited for the payment of the same; and each and every subscriber so paying in advance, shall have a discount at the rate of six per centum per annum, on such advance. Proviso.

5. *And be it further enacted*, That for the well ordering of the affairs of the said corporation, there shall be fourteen directors, being citizens of this state, elected yearly by the stockholders, at a general meeting to be held annually at Richmond, on the first Monday in January, for that purpose; in which election the treasurer on behalf of the state shall have a vote or votes equal to the greatest number of votes which shall be given at the said election on any three thousand shares, held by the greatest number of stockholders; and moreover, the treasurer of the state for the time being, shall be there *ex officio*. At the same time and place there shall be chosen, under the same rules and regulations, thirteen directors for Norfolk; and the like number in like manner shall be chosen for Petersburg; and also the like number in like manner for Fredericksburg. And the directors at the several places aforesaid, at their first meeting after each election, shall choose one of their number as a president: *Provided*, That the first election of directors shall not be included in the before mentioned general regulation; but shall be held at the time and in the manner herein after directed; *And provided*, That in case it should at any time happen that an election of directors should not be made upon any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day within ten days thereafter, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation; and that in case of the death, resignation or absence from the state of a director, his place shall be filled up by a new choice for the remainder of the year, by a majority of directors, at the place where such vacancy shall happen; *Provided*, That every person voting for directors at any election, shall previous to giving his vote, make oath or solemnly affirm, that the share or shares in right whereof he offers to vote, is or are, really and bona fide his own property, and not held in trust or for the use, benefit or emolument of any other person or persons, nor in pursuance of any contrivance or design to obtain for himself, or for any other person or persons a greater number of votes than he or they are fairly entitled to, according to his or their true interest in the bank, in conformity with the proportions of voting on shares as established by this act. And where any person offers to vote as a proxy, an affidavit to the same effect, of the person whom he represents, shall be sufficient;—to take any such oath or affirmation falsely, shall be perjury. Directors to be chosen at annual meetings & treasurer of the state to act as one ex officio. Proviso. Further proviso.

6. *And be it further enacted*, That on the first day of June next, and every thirty days thereafter, if the subscription shall not be sooner closed, the commissioners appointed at Norfolk, Petersburg, Fredericksburg, Winchester, Staunton and Lynchburg, shall respectively transmit and deliver to the commissioners appointed in and List of subscribers to be returned to commissioners appointed for Richmond.

1803. for the city of Richmond, a list of the several subscribers at such places respectively, and of the share or shares to each and every subscriber belonging, together with the full amount of subscription money by the commissioners respectively received as aforesaid; for which amount the receipt in writing of the said commissioners, appointed in and for the city of Richmond, or of a majority of them, shall be a sufficient acquittance and discharge to the persons respectively paying the same. And as soon as the sum of three hundred thousand dollars in the manner aforesaid shall be actually received on account of the subscription to the said capital stock of the said bank, notice thereof shall be given by the commissioners appointed in and for the city of Richmond, or a majority of them, in at least two public gazettes, printed in the said city of Richmond; and the same persons shall at the same time, notify a time and place within the said city, at the distance of twenty days from the time of such notification, for proceeding to the choice of directors; and it shall be lawful for such election to be then and there made; and the fourteen persons who shall then and there be chosen, together with the treasurer for the time being, shall be the first directors, and shall be capable of serving until the first Monday in January thereafter, by virtue of such choice, or until their successors shall be duly elected; and the said directors shall forthwith thereafter commence the operations of the said bank at the city of Richmond.

When the operations of the bank shall commence.

Directors to appoint officers, &c

7. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers, clerks and servants, under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively, as shall be reasonable; and shall be capable of exercising all such powers and authorities for the well governing of the affairs of the said corporation, as shall be prescribed by the laws, ordinances and regulations of the same.

Constitution of the bank.

8. *And be it further enacted*, That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation. 1. The number of votes to which each stockholder, except the state, shall be entitled, shall be according to the number of shares he shall hold, in the proportion following, that is to say, for one share and not more than two shares, one vote for each share; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership or body politic, except the state, shall be entitled in his or their own right, or as proxy, to a greater number than thirty votes: and after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden two calendar months previous to the day of election. All stockholders may vote in elections, or on any other question touching the bank, by proxy; *provided*, the proxy be derived directly from such stockholder, and voted on by a person being a citizen of the state. 2. Not more than nine of the directors elected by the stockholders and actually in office, exclusive of the president, shall be eligible for the next succeeding year; but the director who shall be president at the time of an election may always be re-elected. 3. None but a stockholder being a citizen of the state

of Virginia, except the treasurer, shall be eligible as a director. No director of any other bank, shall at the same time, be a director of this bank; nor shall the governor, any member of the executive council, auditor, register, attorney general, judges of the superior courts, or any person holding and exercising any office of trust or profit under the United States, be a director of this bank. 4. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting: The stockholders shall make such compensation to the president for his extraordinary services at the bank, as shall appear to them reasonable. 5. Not less than nine directors shall constitute a board for the transaction of business; of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director whom he by writing shall nominate for that purpose. 6. A number of stockholders not less than sixty, who, together shall be proprietors of three hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for the purposes relative to the institution, giving at least six weeks notice in two public gazettes of the place where the bank is kept, and specifying in such notice, the object or objects of such meeting. 7. Every cashier or treasurer, before he enters on the duties of his office, shall be required to give bond with two or more securities, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour. 8. The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. 9. The total amount of notes emitted or thrown into circulation by the said corporation, together with their debts of every description, shall not at any time exceed the sum of four millions five hundred thousand dollars, over and above the monies then actually deposited in the bank for safe keeping: unless the contracting of any greater debt, shall have been previously authorised by a law of the state. In case of excess, the directors under whose administration it shall happen, shall be liable for the same in their natural private capacities, and an action of debt may, in such case, be brought against them or any of them, or their heirs, executors or administrators, in any court of record, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for, and chargeable with, the said excess. Such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the governor of the state, and to the stockholders at a general meeting, which they shall have power to call for that purpose. 10. The said corporation shall not be at liber-

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ired prior to the time of making the second, third or fourth payment, as the case may be, during the delay of the same. 15. The directors aforesaid shall establish offices at Norfolk, Fredericksburg and Petersburg, for the purposes of discount and deposit only, when one half of the capital stock of the bank shall be paid in, upon the same terms and in the same manner as shall be practised at the bank; and to commit the management of the said offices, and making the said discounts to the directors of the several places aforesaid, under such agreements, and subject to such regulations as shall be deemed proper; not being contrary to law, or to the constitution of the bank. 16. The legislature shall be furnished annually, if they require it, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash in hand—and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statement—*Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals, or any body politic or corporate with the bank. 17. The directors shall keep fair and regular entries, in a book to be provided for that purpose, of their proceedings—and on any question, where two directors shall require it, the yeas and nays of the directors voting, shall be duly inserted in their minutes, and those minutes be at all times, on demand, produced to the stockholders when at a general meeting, or to the legislature, or any committee thereof, who shall be authorised thereby to require the same. 18. No president or cashier of this bank shall be directly or indirectly concerned in the purchase or sale of any of the public stock or funds, under the penalty of ten thousand dollars, to be forfeited, one half thereof to the use of the state, and the other half to the use of the informer, nor shall the cashier be allowed to carry on any other business than that of the bank, under the penalty of five thousand dollars. 19. A fair and correct list of the stockholders shall be hung up at least one month before any election of directors, in the common hall of the said bank, to the end that public information may be given to the parties of their co-proprietors and stockholders.

9. *And be it further enacted*, That if the said corporation, or any person or persons, for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, contrary to the provisions of this act, all and every person or persons, who shall have given any order or direction for so dealing and trading, and all and every person or persons who shall have been concerned as parties or agents therein, shall forfeit and pay treble the value of the goods, wares, merchandizes and commodities, in which such dealing and trade shall have been, one half thereof to the use of the informer, and the other half thereof to the use of the state, to be recovered with costs of suit.

Notes shall be receivable by the treasurer and public money lying inactive shall be deposited in the bank.

10. *And be it further enacted*, That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand in gold or silver coin, shall be receivable in all payments to the state of Virginia; and the public monies of the state, shall be constantly deposited in the bank of Virginia, whenever lying inactive,

Subscriptions of the state to be loaned by bank.

11. *And be it further enacted*, That within the term of one month after information given by the proper commissioners, at the city of

1803. Richmond, that a sufficient number of shares have been subscribed for, to commence the operations of the bank, the executive shall on behalf and for the use of this state, make, or cause to be made, a subscription to the capital stock of the said bank, to the amount of three hundred thousand dollars, which said sum of three hundred thousand dollars, shall be loaned to the state by the said bank of Virginia, at the rate of interest not exceeding four per centum per annum.

How the loan shall be repaid.

12. *And be it further enacted*, That the said sum of money herein before directed to be borrowed of the bank, shall be payable and paid in ten equal annual instalments, the first whereof shall be on the first day of January, one thousand eight hundred and five, or in any greater sum or sums of money, or shorter period or periods, at the pleasure of the commonwealth, and interest shall cease to be chargeable on the amount of each and every payment from the time of making the same respectively; and all the money arising from the tax on merchants' licences, shall be and is hereby exclusively appropriated to and for the payment of the said loans, and the interest thereupon, respectively accruing, according to the instalments aforesaid, and the dividend to which the commonwealth shall be entitled; and if the monies so appropriated shall not be adequate to the payment of the said loans, and the interest thereon, respectively, then as many of the shares in the said bank, belonging to this state as may be necessary to supply the deficiency, shall be sold and applied to and for that purpose.

No note to issue for less than five dollars.

13. *And be it further enacted*, That the said president and directors shall not in any case issue any note for a smaller sum than five dollars.

Nor negotiable unless so expressed in said note.

14. *And be it further enacted*, That no note shall be negotiable at the bank, unless it be so expressed on the face of said note.

House to be procured after a sufficient number of shares are taken.

15. *And be it further enacted*, That the commissioners appointed by this act for the receiving subscriptions in the city of Richmond, shall immediately after a sufficient number of shares are taken, provide a house for the carrying on the business of the bank, together with all necessary paper, stationary, vaults and utensils, suitable to the same, so that as soon as the directors are chosen, the operations of the bank may be immediately and without loss of time prosecuted and carried into effect.

CHAP. XL.

*An Act to amend and explain an act, entituled an act prescribing the mode of ascertaining the taxable property within this commonwealth**

[Passed January 31, 1804.]

Pay of the commissioners of the revenue.

1. BE *it enacted by the General Assembly*, That it shall not be lawful for any county or corporation court, to certify in favor of any commissioner of the revenue, a greater number, than eighty two days for his services as commissioner, nor shall the auditor of public accounts grant a warrant to any commissioner for a greater sum than eighty two dollars, for his services as commissioner. If at any time the said commissioner shall be unable from

* See Revised Code, vol. 1, ch. 83, pa. 128—Sess. acts of 1794, ch. 21, pa. 15—Also Rev. Code, vol. 1, ch. 185, pa. 342—ch. 245, pa. 388.

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ness or other just cause to perform the services required of him commissioner of the revenue, he may, and is hereby permitted allowed, to employ some fit and proper person to assist him, shall take an oath before the county or corporation court, faithfully to discharge the duties of the office, and for whose good conduct the principal shall moreover be liable.

They may employ an assistant.

2. *And be it further enacted*, That it shall be the duty of every person when called upon by a commissioner of the revenue for his register list of taxable property to deliver to the said commissioner on oath or affirmation, a true account of all lands by him or her held by patent or conveyance, which have not been already entered on the books of the commissioner, subject to taxation; and the commissioner shall enter the same on his land book, at the rate the same has been heretofore valued; and if the said land has never been valued, then he shall proceed to value the same as prescribed by the act entituled "An act for equalizng the land tax within this commonwealth."

How they shall acquire lists of taxable property.

[☞ See Appendix to vol. 1, pa. 437.]

3. *And be it further enacted*, That the clerks of the several county and corporation courts shall deliver to the said commissioners their lists of alienations, on or before the tenth day of March annually, instead of the time heretofore appointed by law; and shall include therein all conveyances, which are partly, although not fully proved. The fee of a commissioner for making a transfer in consequence of any alienation, shall hereafter be eighty three *(a)* cents instead of the fee now allowed by law, to be charged to the person only to whom the transfer is made.

When clerks shall deliver their lists of alienations.

4. *Be it further enacted*, That no commissioner of the revenue shall hereafter be appointed or act as collector of any public tax, county or corporation levy, or poor rate.

Commissioners not eligible to act as collectors.

5. *And be it further enacted*, That it shall be lawful for any commissioner of the revenue, where he shall discover, on proper evidence, any error or mistake, in the quantity or valuation of any lands; or where the same is charged more than once in the books for the preceding year, to rectify the same in the list made out by him, so as to make the same correspond with the true quantity and valuation, and as shall appear to him just.

Their power to rectify errors.

6. *And be it further enacted*, That where it shall come to the knowledge of any commissioner, by any evidence, which, in his opinion, can be relied on, that any grant has issued, or title vested, in any person to any land, within his county, it shall be lawful for him to value and list the same, as in other cases directed by law, although he shall not have received a list from the register or clerk of the emanation of such patent or recording such title.

On good evidence they may list all property omitted.

7. This act shall commence and be in force from and after the passing thereof.

Commencement.

(a) Altered to fifty cents, by act of 1804—See post ch. 56, sec. 2.

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CHAP. XLI.

*An Act to amend the act, entituled, an act to amend the Penal Law of this Commonwealth, and for other purposes.**

[Passed February 1, 1804.]

Term of confinement in the penitentiary for certain crimes.

1. BE *it enacted by the General Assembly*, That the term of confinement in the Penitentiary of every free person convicted of robbery, burglary, or horse stealing, or as accessary thereto, shall be not less than five years, nor more than ten years; and of every such person convicted of arson, *(a)* or as accessary thereto, shall be no less than ten years, nor more than twenty one years.

[☞This section not to extend to convicts who had created a debit against the commonwealth before the passing of this act—Acts of 1804, chap. 98, pa. 57.]

2. So much of the act, entituled, "An act, to amend the penal laws of this commonwealth," as directs an account to be kept between the public and each convict in the penitentiary, shall be and the same is hereby repealed; but it shall be hereafter in the discretion of the inspectors, on the discharge of any prisoner, to make him an allowance not exceeding thirty dollars, if, in their judgment, such prisoner shall have been industrious, and conducted himself in an orderly manner.

Prisoners escaping, where to be tried.

3. The trial of prisoners escaping from the penitentiary, shall in future be had for such escape, before the district court holden in the city of Richmond; and prisoners so escaping shall remain in the penitentiary and be treated as other convicts, after their apprehension until such trial shall take place; upon which trials, the copies of the records transmitted to the keeper of the penitentiary relative to the former trials of such prisoners, shall be produced and filed of record in the said district court.

Record of former conviction to be filed.

Petit larceny to be punished by stripes or confinement, at the discretion of the jury.

4. All free persons accused of petit larceny, shall be tried in the court of that county wherein such offence was committed, in the manner prescribed by the act, entituled, "An act to amend the several laws concerning the penitentiary;" *(b)* and upon conviction of an offender, he or she shall be punished by stripes on his or her bare back, not less than ten, nor more than forty, for any one offence, or by confinement in the penitentiary house for a term not less than eighteen months, at the discretion of the jury before whom such person shall be tried.

Board constituted for the government of the penitentiary.

[☞Repealed. See post ch. 111.]

5. The inspectors of the penitentiary, the governor and council, and the attorney general, shall constitute a board with full power to make such regulations for the internal government of the penitentiary, as may to them from time to time appear expedient, to which regulations the keeper and all the officers shall strictly conform.

Commencement.

6. This act shall commence and be in force from and after the first day of April next.

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* See Rev. Code, vol. 1, ch. 200, pa. 355—ch. 264, pa. 402—ch. 279, pa. 410—ch. 284, pa. 413—Ante ch. 16—ch. 21—post ch. 55—ch. 111.

(a) Arson, is now death.—See post ch. 55.

(b) See Ante. ch. 21.

CHAP. XLII.

1803.

*An Act to fix the salaries of certain Officers.**

[Passed February 2, 1804.]

Salaries allowed.

BE *it enacted by the General Assembly*, That the officers hereafter mentioned, shall be allowed annually the following salaries, to wit; the keeper of the penitentiary house, the sum of one thousand two hundred dollars; to the assistant keepers of the penitentiary, two hundred and fifty dollars each; the turnkey to the penitentiary house, the sum of two hundred and sixty six dollars and sixty-six cents; the clerk of the penitentiary house, the sum of six hundred and twenty five dollars; the door keeper of the capitol and the council, whose duty it is to keep the capitol clean, and obey the orders of the executive, the sum of three hundred dollars; the keeper of the keys of the capitol, the sum of two hundred dollars; each of the under clerks in the register's office, five hundred dollars; to the keeper of the public seal, three hundred dollars; to the assistant clerk of the council, one thousand dollars; the superintendant of the manufactory of arms, the sum of two thousand dollars; the master armourer, the sum of one thousand dollars; the assistant armourer, the sum of one thousand dollars; the clerk to the manufactory of arms, the sum of five hundred dollars; which several sums shall be paid quarterly out of the treasury, on warrants to be issued by the auditor of public accounts; and to the commissary and store keeper to the manufactory of arms, the sum of five hundred dollars, to commence as soon as the executive shall adjudge that his services are necessary, and shall be paid in the same manner that the other salaries allowed by this act, are paid.

Chief clerk to perform the duties of the auditor in case of sickness.

His compensation.

Proviso.

2. *And be it further enacted*, That the chief clerk of the auditor's office, shall perform the duties of the said auditor, in case of sickness *(a)*; and whenever such case shall occur, the said clerk shall be allowed a compensation for such service, at the rate of one hundred and sixty six dollars and sixty seven cents, per annum in proportion to the time that he shall be employed therein, provided that nothing herein contained shall be construed so as to increase the salary of the clerk of accounts in the auditor's office.

Repealing clause.

3. All acts or parts of acts, which authorised the executive to fix the salary of any clerk, shall be and the same are hereby repealed.

CHAP. XLIII.

An Act subjecting the securities of Sheriffs to motions in certain cases.†

[Passed February 2, 1804.]

Judgment may be obtained against sheriffs and their securities jointly for failing to pay the amount of the public revenue.

BE *it enacted by the General Assembly*, That hereafter where the sheriff of any county, bound for the collection of the public revenue, shall fail to pay the same in the public treasury, pur-

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* See ante. ch. 22.

(a) Or in case of leave of absence, which may be granted by the executive—post ch. 78.

† See Rev. Code, vol. 1, ch. 151, pa. 294, [illegible] 51—ch. 176, pa. 324—ch. 183, pa. [illegible]—ch. 249, pa. 390—ch. 295, pa. 425—[illegible] ch. 17.

1803.

suant to law, it shall be lawful for the auditor of public accounts, and he is hereby required and directed, to obtain a judgment by motion jointly against such sheriff and his securities, in the general court; *Provided*, such sheriff, his security or securities, or such of them against whom judgment shall be rendered, shall have ten days previous notice of such motion; and the lands, tenements, goods and chattels of the said security or securities, shall be liable in the same manner, as the sheriffs are now liable.

Proviso.

The same for money received by virtue of any process.

2. *And be it further enacted*, That where any principal sheriff, or his deputy, shall receive any money by virtue of any writ of fieri facias, or other process, and shall fail to pay the amount, or so much as shall be in his hands, it shall be lawful for the party on whose behalf such process was awarded, to obtain a judgment against the principal sheriff and his securities, or their legal representatives, jointly *(b)*; *Provided*, That they, or such of them against whom judgment shall be rendered, have ten days previous notice of such motion: *Provided*, That nothing in this act contained shall be so construed as to subject the securities of sheriffs to such motions, in cases where they have become such, before the commencement of this act.

Proviso.

CHAP. XLIV.

An Act to amend the act, for reducing into one the several acts concerning the Land Office; ascertaining the terms and manner of granting waste and unappropriated lands; directing the mode of processioning, and prescribing the duty of surveyors.

[Passed February 2, 1804.]

Part of the former law repealed.

[See Rev. Code, vol. 1, ch. 187, pa. 344.]

1. BE *it enacted by the General Assembly*, That the second section of the act of the general assembly, passed on the twenty eighth December one thousand seven hundred and ninety five, entituled, "An act, to amend the act for reducing into one the several acts concerning the land office; ascertaining the terms and manner of granting waste and unappropriated lands; settling the titles and bounds of lands; directing the mode of processioning; and prescribing the duty of surveyors," shall be and the same is hereby repealed; and surveys shall be received into the land office, and locations made on land office treasury warrants, under the same regulations as before the passing of said act: *Provided*, That no location shall be made on any warrant in any other county than that in which the first location on such warrant is made; and if any person hath part of such warrant unappropriated, it shall be lawful for such person to obtain an exchange warrant for such unappropriated part; *And provided also*, That the surveyor of any county, where any location or locations is or are made, shall certify on the back of such warrant, how much remains unappropriated, and if the whole of the said warrant be appropriated, the same shall accompany the last survey made by virtue thereof.

Proviso.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

(b) See post ch. 97, sec. 4, where a similar remedy is extended to sergeants and coroners.—See also Rev. Code, vol. 1, ch. 176, sec. 8, pa. 325, a like remedy for failing to return an execution.

1804.

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the fifth day of December, one thousand eight hundred and four.

CHAP. XLV.

*An Act to amend the act, entitled, "An act, directing the mode of appointing the Public Printer, prescribing his duties, and for other purposes therein mentioned."**

[Passed December 19, 1804.]

Duties of public printer.

1. BE *it enacted by the General Assembly*, That it shall be the duty of the public printer, within forty days after the rising of the assembly in each session, to publish three thousand two hundred copies of the laws of such session; and for the duties herein prescribed, and for all the duties heretofore prescribed by the act, entitled, "An act, directing the mode of appointing a public printer, prescribing his duties, and for other purposes therein mentioned," shall be entitled to receive the sum of twenty five hundred dollars, and no more. Salary.

To give bond for faithful performance of duties.

2. *And be it further enacted*, That the person who shall be appointed public printer by the general assembly, shall previously to entering upon the duties of the said office give bond with approved security, to the governor of this commonwealth for the time being, in the penalty of five thousand dollars, for the faithful performance of the duties belonging thereto.

To furnish speaker with list of extra work done during a session.

3. *And be it further enacted*, That it shall moreover be the duty of the public printer, previously to the rising of the general assembly in each session, to furnish the speaker of the house of delegates with his account for printing bills and other documents for the use of the general assembly during such session; and the speaker is hereby empowered to certify the same to the auditor, for such amount as he may think a reasonable compensation for such services, and the auditor shall grant a warrant on the treasury for the same.

When laws are delivered governor & council to grant adequate proportion of salary.

4. *And be it further enacted*, That when the public printer shall have delivered the number of copies of the acts, directed by this act, for the use of the commonwealth, the governor, with advice of council, shall be authorised to direct the auditor of public accounts, to grant to the said public printer, a warrant on any fund, for the whole, or such part of his annual salary, as he, with advice aforesaid, shall think proper.

Repealing clause.

5. All acts and parts of acts, within the purview of this act, are hereby repealed.

Commencement

6. This act shall commence and be in force from the passing thereof.

* See Revised Code, vol. 1, ch. 238, page 383.

1804.

CHAP. XLVI.

An Act authorising the introduction of Dearborn's Patent Balance into the Warehouses of this Commonwealth upon certain conditions.

[Passed December 22, 1804.]

Dearborn's patent balance, when may be introduced into warehouses.

1. BE *it enacted by the General Assembly*, That at any warehouse or warehouses that may hereafter be established within this commonwealth, or at such already established as may require new scales and weights, the commissioners appointed to superintend the same, shall be and they are hereby authorised and permitted to introduce Dearborn's patent balance, for the purpose of weighing tobacco; *Provided*, the said commissioners shall think proper to do so.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XLVII.

*An Act to amend and explain an act further declaring what shall be deemed unlawful meetings of Slaves.**

[Passed January 4, 1805.]

Unlawful meetings of slaves, what.

1. WHEREAS doubts have arisen in the minds of many of the good citizens of this commonwealth relative to the construction which may be given to the act, entitled, "An act further declaring what shall be deemed unlawful meetings of slaves," whereby they apprehend that their religious rights may be infringed; for the removal whereof, *Be it enacted by the General Assembly*, That nothing in the said act contained shall be so construed as to prevent the masters or owners of slaves from carrying, or permitting his, her or their slave or slaves, to go with him, her or them, or with any part of his her or their white family, to any places whatever for the purpose of religious worship; *Provided*, That such worship be conducted by a regularly ordained, or licensed, white minister.

Not to affect white persons.

2. *And be it further enacted*, That nothing in the said recited act contained shall be considered as in any manner affecting white persons who may happen to be present at any meeting or assemblage, for the purpose of religious worship, so conducted by a white minister as aforesaid, at which there shall be such a number of slaves, as would, as the law has heretofore been construed, constitute an unlawful assembly of slaves.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XLVIII.

An Act to prevent the hauling of Seines at certain places within certain periods annually.

[Passed January 4, 1805.]

Preamble.

WHEREAS, it is represented to this present general assembly, that the great destruction of fish occasioned by hauling seines at improper seasons of the year, is an evil of increasing magnitude; for remedy whereof,

* See ante. ch. 35

1804.

1. *BE it enacted*, That it shall not be lawful for any person or persons to haul any seine or seines below the mouths of the different rivers in this commonwealth, between the fifteenth day of May and the fifteenth day of August in every year; and if any person or persons shall, contrary to the true intent and meaning of this act, haul any seine or seines, below the mouths of the different rivers of this commonwealth, as aforesaid between the said fifteenth day of May and the fifteenth day of August, he shall for every act of hauling, forfeit and pay ten dollars, to be recovered by warrant, before any magistrate, within this commonwealth, by any person who will sue for the same. Seines, when & where not to be hauled.

2. This act shall commence and be in force from and after the first day of May next. Commencement.

CHAP. XLIX.

*An Act for the relief of Special Bail in certain cases.**

[Passed January 8, 1805.]

1. BE *it enacted by the General Assembly*, That where the principal debtor now is, or hereafter may be imprisoned in any jail within the commonwealth of Virginia, and any person or persons shall have become special bail for such person so imprisoned, it shall and may be lawful for the bail to obtain a certified copy of the recognizance of special bail from the clerk where the same shall have been entered in court, or returned thereto by the judge, or justice taking the same, or from such judge or justice, as the case may be, where such recognizance shall have been entered into before him, and not returned to court, and which copy it shall be the duty of the clerk, judge, or justice, as the case may be, to give to the party entitled thereto, and thereupon it shall be lawful for the special bail to deliver the said certified copy to the jailor where the person may be imprisoned within this commonwealth, upon which the said jailor shall give to the bail, or his, her, or their agent, a receipt therefor, in which shall be expressed that the special bail had rendered up to the jailor the body of the principal, in discharge of his recognizance as special bail for the person or persons so imprisoned in his jail, and the debtor shall be held in custody in the same manner as if the special bail had made a surrender of the body of the principal debtor to the court where the suit was brought, and an exoneretur shall be entered on record in the court where the undertaking was made, and the special bail shall be discharged from his recognizance, if the surrender shall have been made in due time: Special bail, how to be relieved.

Provided, That the special bail, or his, her or their agent or attorney, shall give immediate notice thereof, to the creditor, his agent, or attorney at law, if the creditor, his agent or attorney, lives in the district, county or corporation, where the suit is, or was depending; but if the creditor, his agent or attorney, doth not live in the district, county or corporation, then the special bail, or his agent or attorney, shall file with the clerk of the court the jailor's receipt as aforesaid, and take his receipt for the same, which shall in that case be deemed sufficient notice, and the special bail shall be discharged from his recognizance as special bail as aforesaid, if upon an actual surrender to the court, he would have been entitled to such discharge. Proviso.

* See Revised Code, vol. 1, ch. 66, pa. 74.

1804.

Proviso. 2. *Provided always*, That nothing in this act shall be so construed as to prevent any person so surrendered by his special bail, from giving other bail as heretofore.

Commencement 3. This act shall be in force from and after the passing thereof.

CHAP. L.

*An Act to explain and amend the Act Providing for the Poor, and declaring who shall be deemed Vagrants.**

[Passed January 8, 1805.]

Preamble. WHEREAS doubts exist whether the courts of the several counties within this commonwealth, are authorised to alter or change the districts laid off and established by them in the respective counties, for the purpose of choosing therein overseers of the poor, agreeably to the act passed in the year one thousand seven hundred and ninety-two, entitled, "An act providing for the poor, and declaring who shall be deemed vagrants."

Power of county in regulating bounds of districts for choosing overseers of the poor. 1. *BE it therefore enacted by the General Assembly*, That the said courts be, and they are hereby empowered, so often as they shall see cause, to alter or change in such manner as to them shall seem best, the bounds of any of the said districts, or any others that may be established by them.

Power of courts in choosing overseers, when ten electors do not meet. 2. If from any cause ten of the freeholders and house-keepers within any district which now is, or hereafter may be established, for the purpose aforesaid, should not attend and vote at an election of overseers of the poor for such district, on the day appointed by law for that purpose, no election shall be held therein, but the person appointed to superintend the election in the said district, shall report the truth of the case to the next court to be held for his county, which court shall as soon as possible thereafter proceed to elect for such district, the number of overseers of the poor directed by law to be appointed, who shall continue in office until a new election, and during that term shall have and exercise all the powers and duties, which they would have had, and be subject to all the pains and penalties to which they would have been liable, if they had been elected by the freeholders and house-keepers of such district.

Amount of recognizance of a person charged with being father of a bastard 3. *And be it further enacted*, That the recognizance for his appearance at court of a person charged before a magistrate with being the father of a bastard child, shall be in a sum not less than fifty, nor more than two hundred dollars, with sufficient security. If any such recognizance shall be forfeited, the recovery thereupon shall be paid to the overseers of the poor for the county or corporation, for the use of the said poor.

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* See Revised Code, vol. 1, ch. 102, pa. 180—ch. 227, pa. 377.—Overseers of the poor binding out black or mulatto orphans not to require the master or mistress to teach them reading, writing or arithmetic, post. ch. 60. sec. 5. Additional oath and duties prescribed for overseers of the poor in relation to slaves, post. ch. 69.

CHAP. LI.

1804.

*An Act to amend the act, entitled, "An act, directing the registering the names, ages and sexes of slaves, in certain cases."**

[Passed January 11, 1805.]

Slaves in certain cases, name &c. to be registered.

1. BE *it enacted by the General Assembly*, That the act, entitled, "An act, directing the registering the names, ages and sexes of slaves, in certain cases," shall extend to all cases where any slave or slaves hath been or shall be allotted to any widow for her dower, or hath been or shall be devised to her for life in lieu thereof; or shall or may now be held by any person, for his or her life only, or for the life of any other person or persons.

When copy of this act to be posted at court-house door.

2. *And be it enacted*, That the clerks of the several county and corporation courts within this commonwealth, shall, at the court days of their respective counties and corporations, in the months of July and August next, cause a copy of this act to be posted up at the front door of the courthouse thereof.

Commencement.

3. This act shall commence and be in force from and after the first day of September next.

CHAP. LII.

An Act concerning Seamen.†

[Passed January 19, 1805.]

Penalty on mariner for leaving vessel.

1. BE *it enacted by the General Assembly*, That if any seaman or mariner, not being a citizen of this commonwealth, or of any of the United States, who shall have signed a contract to perform a voyage on board any merchant ship or vessel (either a ship or vessel of the United States, or of any foreign nation whatsoever) shall at any port or place within this commonwealth, desert, or shall absent himself from such ship or vessel, without the leave of the master, or other officer commanding in the absence of the master, it shall be lawful for any justice of the peace of any county or corporation within this commonwealth, upon the complaint of the master of such ship or vessel, or other officer commanding in the absence of the master to issue his warrant to apprehend such seaman or mariner, and bring him before such justice; and if it shall appear by due proof, that such seaman or mariner has signed a contract as aforesaid, and that the voyage agreed for, is not finished, altered, or the contract otherwise dissolved, and that the seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said justice shall commit him to the jail of his county or corporation, there to remain until such ship or vessel shall be ready to proceed on her voyage, or till the master, or other officer commanding in the absence of the master, shall require his discharge, and then to be delivered to such master, or other officer commanding in the absence of the master, he paying all the cost of such commitment.

Duty of justice before whom such mariner may be brought.

Penalty on apprentice leaving vessel without leave.

2. That if any apprentice who shall have been regularly bound by deed to the master or owner of any ship or vessel as aforesaid, for any term of years, for the purpose of being taught the art, trade or mystery of a seaman or mariner, shall, at any port or place within

*See ante ch. 33.

†This act was passed in consequence of an act of 1800; see Revised Code, vol. 1. p. 284, pa. 413.

1804.

this commonwealth, desert or absent himself from the ship or vessel, on board of which he hath been placed by his said master, without the leave of the master of such ship or vessel, or other officer commanding in the absence of the master, it shall be lawful for any justice of the peace of any county or corporation within this commonwealth, upon the complaint of the master, or other officer commanding in the absence of the master, to cause such apprentice to be apprehended and dealt with in the same manner herein before stated, if such justice shall be satisfied by due proof, that such apprentice hath been regularly bound by deed to the master or owner of such ship or vessel, and that the said deed is then in full force.

Proviso.

3. *Provided always*, That if any seaman, mariner or apprentice, shall offer sufficient proof to satisfy the justice of the peace before whom he may be brought, that he hath been cruelly or improperly treated while on board any ship or vessel, by the master thereof, or that he hath good cause to apprehend danger to his person, from the master, should he be compelled to remain on board such ship or vessel, it shall be lawful for the justice to discharge such seaman, mariner or apprentice from all further confinement on account of such desertion or absence.

Commencement.

4. This act shall commence and be in force, from and after the passing thereof.

CHAP. LIII.

*An Act to amend an act, entitled, "An act to amend and reduce into one the several acts of the General Assembly for regulating the Militia of this Commonwealth."**

[Passed January 23, 1805.]

Time of training officers.

1. BE *it enacted by the General Assembly*, That the commanding officer of each brigade shall direct the training of the officers and regimental musters, to be held in each regiment, in the months of October or November, in every year, and such regimental muster shall immediately succeed the training of the officers, which training shall continue three days, except where there are more regiments than one in a county, in which case the training and musters shall be as heretofore. The brigade inspector shall charge milage only for one circuit through the brigade; and it shall be the duty of the brigadier general so to arrange the training of the officers, and regimental musters, as to render only one circuit necessary: *Provided nevertheless*, That such inspector shall be entitled to receive not less than one hundred dollars for his services.

Officers, when presumed to have resigned.

2. *And be it further enacted*, That any officer who shall remove from his county, and the bounds of his regiment, or shall have ceased to perform the duties of his office for eight months, shall be considered as having resigned his office, and the vacancy thereby occasioned shall be filled as in other cases; unless such officer shall be employed abroad in the service of this state, or of the United States.

Allowance to adjutants, clerks of courts martial and provost martials.

8. *And be it further enacted*, That the adjutant of each regiment shall hereafter be allowed for his services a sum not exceeding six dollars for each day he shall attend the regimental and battalion

* See ante ch. 36, and notes subjoined.

1804.

isters, and training of the officers of the said regiment; and that the clerks of the several courts of enquiry shall hereafter be allowed for their services, a sum not exceeding eight dollars, for each day they shall attend the said courts, and four dollars for each list of fines they shall make out as required by law; the provost marshal shall also be allowed for his services, a sum not exceeding three dollars, for each day he shall attend the courts of enquiry, and no more.

4. *And be it further enacted*, That it shall be the duty of the clerks of the several courts of enquiry, to transmit to the auditor of public accounts, a certified copy of the sheriff's receipt for each list of militia fines put into his hands for collection, together with a copy of such list; and such certified copy of the sheriff's receipt shall be evidence on a motion against him for such fines.

Commanding officers of cavalry and artillery, to whom to make returns.

5. *And be it further enacted*, That the commanding officer of every troop of cavalry, and company of artillery, shall hereafter make his report of delinquents to the commanding officer of the battalion in which such delinquent shall reside.

[Ante chap. 36.]

6. So much of the fourteenth section of the act, entitled, "An act, to amend and reduce into one the several acts of the general assembly for regulating the militia of this commonwealth," as empowers the executive to issue commissions for more than one troop of cavalry to each regiment, is hereby repealed.

Commencement.

7. This act shall commence and be in force from and after the first day of April next.

CHAP. LIV.

An Act to amend the act, "*To prevent the circulation of Private Bank Notes.*"*

[Passed January 25, 1805.]

Note issued by banking company without a charter not to be circulated.

1. BE *it enacted*, That it shall not be lawful for any person to offer in payment any note or bill, whether payable to bearer or other person, which shall have been emitted by any banking company, not having a charter.

Penalty.

2. *And be it further enacted*, That offenders against the true intent and meaning of this act, shall incur all the pains and penalties of the act, entitled, "An act to prevent the circulation of private bank notes."

Commencement.

3. This act shall commence and be in force from and after the first day of April next.

CHAP. LV.

An Act further to amend the Penal Laws of this Commonwealth.†

[Passed January 29, 1805.]

Part of the act of 1792 repealed.

1. BE *it enacted by the General Assembly*, That the thirty-fourth section of an act, passed on the thirteenth day of November, in the year one thousand seven hundred and ninety-two

* See Revised Code, vol. 1, ch. 11, pa. 15.

† See Revised Code, vol. 1, ch. 200, pa. 355—ch. 264, pa. 402—ch. 279, pa. 410—ch. 284, pa. 413—ante ch. 16—ch. 21—ch. 41—post ch. 111.

1804.

[Rev. Code, vol. 1, ch. 74, p. 106]

entitled, "An act directing the method of proceeding against free persons charged with certain crimes, declaring the mode of proceeding on indictments, informations and prosecutions on penal statutes, and for preventing vexatious and malicious prosecutions, and moderating amercements," shall be and the same hereby is repealed.

Offences not punishable by death or confinement in penitentiary, within what time to be prosecuted.

2. All actions, suits, bills, indictments, or informations, which shall be had, brought, sued, or exhibited upon any penal law, where the punishment to be inflicted upon the offender, on conviction, shall neither be death nor imprisonment in the jail and penitentiary house, shall be had, brought, sued exhibited, or moved within one year next after the offence committed, and not after; except where a longer or shorter time for the commencement of such suit, or prosecution, is, or shall be fixed by law.

Perjury, &c. when prosecuted.

3. Every indictment, or information, for perjury, subornation of perjury, or such forgeries or publications thereof, as may not be punishable by death, or imprisonment in the jail or penitentiary house, shall be exhibited or moved within three years next after the time of committing the offence, and not after.

Hog stealing, how punished.

4. If any person shall steal any hog, shoat, or pig, such person shall be adjudged to be guilty of petty larceny, and shall have the same trial and punishment, as in other cases of petty larceny.*

Counterfeiting notes of Virginia bank, how punished.

5. *Be it further enacted*, If any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting, any bill or note of the bank of Virginia, with intention to defraud either the corporation of the president, directors and company of the bank of Virginia, or any person whatsoever; or shall pass or tender, or offer to pass or exchange, or shall cause or procure to be passed or tendered, or offered to be passed or exchanged, any such bill or note of the bank of Virginia, knowing the same to be false, forged or counterfeited, then every such person, being thereof lawfully convicted, shall be punished with confinement in the jail and penitentiary house, at hard labor, for not less than ten, nor more than twenty years.

Who may be witnesses to prove such counterfeits.

6. In all prosecutions for offences under this act, the president, cashier and other officers of the said bank of Virginia, or either of its offices of discount and deposit, and all stockholders, shall be deemed and admitted as competent witnesses.

Setting fire to a house in a town, how punished.

7. *And be it further enacted*, That all and every person and persons, who shall at any time, either in the night or the day, maliciously, unlawfully and willingly, burn or set fire to any house or houses whatsoever, in a town, or shall aid, abet, assist, counsel, hire or command any person or persons to commit any of the said offences, being thereof lawfully convicted, and either of the said offences shall actually have been committed, shall be deemed guilty of felony, and shall suffer death as a felon.

Arson, how punished.

8. If any person shall commit arson, being thereof lawfully convicted, he shall be deemed guilty of felony, and shall suffer death.

Burning barns, &c. how punished.

9. All and every person and persons, who shall at any time, either in the night or the day, maliciously, unlawfully and willingly, burn

* See the mode of trial and punishment for petit larceny, ante ch. 41, sec. 4—ch. 21, sec. 3, 4.

1804.

or set fire to any barn, stable, corn house, tobacco house, stack of wheat, barley, oats, corn, or other grain, or any stack of fodder, straw or hay; or shall aid, abet, assist, counsel, hire or command any person or persons, to commit any of the said offences, being thereof lawfully convicted, and either of the said offences shall actually have been committed, shall be deemed guilty of a misdemeanor, and shall be sentenced to undergo a confinement in the jail or penitentiary house, for any time not less than two, or more than five years; and shall moreover pay the full value of the property burnt or destroyed, to the owner or owners thereof.

Slitting the ear, &c. how punished.

10. Whosoever shall voluntarily and of purpose, slit the ear or lip of another, with intent to mark or disfigure such person, every such offender, his or her aiders, abettors and counsellors, shall, on conviction, be sentenced to undergo an imprisonment at hard labour, and solitary confinement, in the jail and penitentiary house, for not less than two, nor more than ten years.

Slave attempting to ravish white woman, how punished.

11. *And be it further enacted*, That if any slave shall hereafter attempt to ravish a white woman, and shall be thereof lawfully convicted, he shall be considered guilty of a felony, and shall be punished as heretofore.

What prisoners to be bailed.

12. Those shall be let to bail who are apprehended for any crime not punishable with death, or confinement in the jail and penitentiary; and if the crime be so punishable, but only a light suspicion of guilt fall on the party, he shall in like manner be bailable: But if the crime be punishable with death, or confinement in the jail and penitentiary, and there be good cause to believe the party guilty thereof, he shall not be admitted to bail.

CHAP. LVI.

An Act to Class the Counties, and for other purposes.

[Passed January 29, 1805.]

Counties to be classed for the appointment of commissioners of the revenue.

1. BE *it enacted by the General Assembly*, That the counties, cities and boroughs, within this commonwealth, shall be divided into three classes; and that the counties of Frederick, Fauquier and Loudoun, shall compose the first class, and the county courts thereof, may appoint three commissioners of the revenue therein; and the counties of Accomack, Albemarle, Amherst, Augusta, Bath, Brunswick, Bedford, Berkeley, Botetourt, Buckingham, Campbell, Caroline, Charlotte, Chesterfield, Culpeper, Cumberland, Dinwiddie, Fairfax, Franklin, Greenbrier, Halifax, Hampshire, Hardy, Hanover, Harrison, Henrico, King and Queen, Louisa, Kanawha, Lunenburg, Mecklenburg, Monongalia, Montgomery, Nansemond, Norfolk, Orange, Ohio, Prince-Edward, Princess Anne, Pittsylvania, Prince-William, Pendleton, Rockbridge, Rockingham, Russell, Shenandoah, Southampton, Spottsylvania, Sussex, Wythe, and Washington, shall compose the second class, and the county courts thereof, may appoint two commissioners therein; and the counties of Amelia, Brooke, Charles City, Elizabeth City, Essex, Fluvanna, Gloucester, Goochland,(a) Greensville, Grayson, Henry, Isle of Wight,(a) James City, Jefferson, King-George, King-William, Lee, Madison, Mason, Mathews, Middlesex, Monroe, New-Kent, Nottoway, Northampton, Northumberland, Patrick, Powhatan, Prince-George, Richmond, Randolph, Stafford,(a)

(a) The counties of Goochland, Isle of Wight and stafford placed in the second class by act of 1805, see post. ch. 74.

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Surry, Tazewell, Warwick, Wood, Westmoreland, York, Lancaster, and the cities and boroughs of Richmond, Williamsburg, Petersburg, Fredericksburg, Winchester, Staunton and the borough of Norfolk, shall compose the third class, and the courts of the said counties, cities and boroughs, may appoint one commissioner of the revenue therein.

Fee for alienation.

2. Each commissioner shall receive for an alienation, fifty cents; and for an alteration, except made to correct an error of a commissioner, fifty cents.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. LVII.

An Act to reform the Practice of the District, County and Corporation Courts in certain cases.

[Passed January 29, 1805.]

Office judgments, interest on, how to be calculated.

1. BE *it enacted by the General Assembly*, That when any final judgment shall be entered up in the office of any court in this commonwealth, against any defendant or defendants, and their securities, or against any defendant or defendants, and sheriff, or other officer, by default, in any action of debt founded on a single bill, promissory note, or other writing signed by the party, for the payment of money or tobacco, it shall be the duty of the clerk to issue execution thereon, as well for interest until paid, from the time the said bill, promissory note, or other writing as aforesaid, was payable, as for the principal sum and costs, unless the said judgment shall have been set aside in the same manner as other office judgments may now be set aside.

Interest on certain judgments, how to be fixed.

[Ante ch. 29.]

2. *And be it further enacted*, That nothing contained in the fifth section of the act, intituled, "An act concerning proceedings in chancery and other purposes," shall be so construed as to allow interest on costs, or compound interest in any case whatsoever; and that hereafter, in all actions founded on contracts, the jury shall ascertain the principal sum due, and fix the period at which interest shall commence (if interest be allowed by them) and judgment shall be rendered accordingly, carrying on the interest till the judgment shall be satisfied.

Costs of notice in district & chancery courts.

3. *And be it further enacted*, That in all cases where the district courts of common law and chancery are authorized to render judgments or award executions upon motions, wherein the plaintiff or plaintiffs shall prevail, fifty cents shall be taxed in the bill of costs for each notice proved to have been delivered; and it shall be the duty of the sheriffs, and other officers, when required, to give notices of such motions.*

Clerk may send process out of his county in certain chancery proceedings.

4. *And be it further enacted*, That whenever an injunction shall be obtained in any county or corporation court, to stay proceedings at law upon a judgment of such court, or a bill exhibited to foreclose the equity of redemption in mortgaged premises, (which is hereby declared to be sustainable in the court of the county or corporation where the land lies, notwithstanding the defendant or defendants,

* See Revised Code, vol. 1, ch. 270, pa. 405, same fee for notices in county and corporation courts.

or any of them, may reside out of such county or corporation) it shall and may be lawful for the clerk thereof to issue any legal process against such defendant or defendants, as do not reside within the said county or corporation, directed to the sheriff or sergeant of any county or corporation within this commonwealth, upon whose return the same proceedings shall be had, as if the process had been served by the proper officer of the county or corporation, in which the suit may be depending. 1805.

5. This act shall commence and be in force from and after the first day of April next. Commencement.

CHAP. LVIII.

*An Act to amend an Act, entituled, "An Act, reducing into one the several Acts for the Inspection of Tobacco."**

[Passed January 30, 1805.]

1. BE *it enacted*, That whensoever hereafter a hogshead of tobacco shall be refused at any warehouse, the owner thereof may have it picked as at present or dispose of it at pleasure. Owner may dispose of any refused tobacco, or have it picked.

2. *And be it further enacted*, That whosoever shall ship, or otherwise send out of the state, one or more hogsheads of refused tobacco, shall forfeit and pay for every such hogshead, four hundred dollars, recoverable in any court of record in this state, one half to the informer, and the other half for the use of the commonwealth. Penalty for sending refused tobacco out of the state.

3. This act shall be in force after the first of April next. Commencement.

CHAP. LIX.

An Act making Compensation to Witnesses attending on the part of the Commonwealth in Civil Cases, and for other purposes.

[Passed January 31, 1805.]

1. BE *it enacted by the General Assembly*, That every person summoned and attending as a witness on behalf of the commonwealth, before any court, in a civil case therein depending, shall be entitled to the same compensation for his or her attendance, as is allowed by law to witnesses attending such courts on behalf of individuals in like cases; and on a certificate of such attendance, under the hand of the clerk of the court wherein the same was entered, being produced to, and filed with, the auditor of public accounts, he shall issue his warrant for the amount thereof, payable out of the public treasury. And in every civil case where the commonwealth shall prevail, all costs which it is liable to pay, shall be taxed in the bill of costs, and recovered in like manner as is provided in the case of individuals. Witnesses attending for commonwealth in civil cases to be paid. [☞ See Revised Code, vol. 1, ch. 275, pa. 407, allowance to witnesses in prosecutions for crimes or misdemeanors.]

2. Constables shall be allowed for arrests in criminal cases and summoning witnesses, the same fees as are allowed the sheriff in civil cases for the like services; and constables and guards employed in conveying prisoners to the county jail, shall have the same al- Allowance to constables in certain cases. [☞ See ante ch. 8, fees of constables.]

* See ante ch. 37 and the notes subjoined.—Further regulations concerning refused tobacco, post. ch. 73, sec. 4.

1804. lowances as are made to sheriffs and guards removing prisoners to the penitentiary; which fees and allowances shall be paid out of the public treasury.

CHAP. LX.

*An Act further to amend the Act, entituled, "An Act to reduce into one the several Acts concerning Slaves, Free Negroes and Mulattoes."**

[Passed January 31, 1805.]

Penalty for carrying slaves off.

1. BE *it enacted by the General Assembly*, That whosoever hereafter shall carry or cause to be carried any slave or slaves out of this commonwealth, or who shall carry or cause to be carried any slave or slaves out of any county or corporation within this commonwealth, into any other county or corporation within the same, without the consent of the owner or owners of such slave or slaves, or of the guardian of such owner or owners (if he, she or they, be a minor or minors) and with intention to defraud or deprive such owner or owners of such slave or slaves, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than one hundred, nor more than five hundred dollars, and shall also be imprisoned in the jail or penitentiary house, for a period not less than two, nor more than four years; which fine and imprisonment shall be fixed and ascertained by a jury. And the person offending herein shall moreover be subjected to pay to the owner or owners of the slave or slaves carried away as aforesaid, double the value of such slave or slaves, together with double the amount of all costs and expenses by him, her or them incurred in regaining or attempting to regain such slave or slaves, to be recovered by an action on the case in any court of record in this commonwealth, having original jurisdiction over such actions.

[See as to masters of vessels, Revised Code, vol. 1, ch. 103, sec. 50, pa. 192—also ch. 222, sec. 6, page 374.]

Bail may be required as of right.

In all actions instituted for the recovery of the penalty imposed by this act, bail may be required of the defendant or defendants as of right.

Construction of this act.

2. And as doubts may arise as to what shall be considered a carrying away or removal, within the meaning of this act, *Be it further enacted*, That not only all those who shall willingly and designedly carry away slaves as aforesaid, but all masters of vessels, who, having a slave or slaves on board their said vessels, shall sail beyond the limits of any county, with such slave or slaves on board, shall be considered as carrying off or removing such slave or slaves, within the true intent and meaning of this act. And any person travelling by land, who shall give countenance, protection, or assistance to such slave or slaves, for the purpose of preventing him, her, or them, from being stopped or apprehended, shall also be considered as carrying off or removing such slave or slaves, within the true intent and meaning of this act.

Penalty on masters of vessels for allowing slaves to come on board their vessels in certain cases.

3. *Be it further enacted*, That any master or skipper of a vessel, who shall permit any slave to come on board his vessel without leave or consent of his master, overseer, or owner, or shall buy, receive of or from a slave, any commodity whatsoever, without the leave or consent of the master, owner, or overseer, as aforesaid,

* See Revised Code vol. 1, ch. 103, pa. 186, and notes subjoined; also post. chap. 69.

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shall forfeit and pay for every such offence, in addition to the penalties now imposed by law, the sum of two hundred dollars; one third thereof, shall go to the master or owner of such slave, one third to the informer, and one third to the overseers of the poor for the use of the poor. [See Rev. Code, vol. 1, ch. 305, p. 432.]

4. In any action which shall be brought against the master or skipper of any ship or vessel, in pursuance of this act, the defendant may be held to bail. Defendant may be held to bail.

5. *And be it further enacted*, That it shall not be lawful for the overseers of the poor who may hereafter bind out any black or mulatto orphan, to require the master or mistress to teach such orphan reading, writing or arithmetic. Black or mulatto orphan not to be taught reading, writing or arithmetic.

6. All acts, and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed. Repealing clause.

7. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXI.

*An Act to explain and amend the Act, entituled, "An Act reducing into one the several acts concerning the Fees of certain Officers, and declaring the mode of discharging the said Fees and County Levies."**

[Passed January 31, 1805.]

1. BE *it enacted*, That the clerks of the several courts of common law and in chancery within this commonwealth, shall, for entering any rule in any cause at law or in chancery upon their rule docket, whereby one party shall require the other to file a declaration, plea, replication, rejoinder or other pleading, or for entering a common order, or a confirmation thereof, or filing any of the aforesaid pleadings at law, a bill, answer, replication, or other proceeding in chancery, the same fees as heretofore; but no clerk shall be entitled to any fee for continuing a cause or rule upon his rule docket: But it shall be the duty of the clerk to continue the cause or rule monthly, when the same shall be necessary, upon the rule docket; and for all which continuances, he shall be entitled to twenty-five cents quarterly, in lieu of all fees heretofore allowed for continuances, and no more. Fees allowed.

2. Separate and distinct rule and court dockets shall be kept for chancery causes in the county and corporation courts. Clerks to keep separate dockets.

3. It shall not be lawful for any clerk to place any fee bill in the hands of any sheriff, or demand or receive any fee, for a copy of any writ, declaration, bill, or other pleading, or proceeding; or for a copy of any judgment or decree, or of costs, in any cause, unless such copy hath been actually made out at the request of the party, his agent or attorney, nor shall any clerk place any fee bill in the hands of any sheriff, or demand or receive any fee, for making up a complete record in any cause, wherein it shall be necessary, until he shall actually have made up such record: *Provided*, That nothing herein contained shall be so construed as to prevent witnesses from obtaining copies of orders for their attendance, or to Clerk to charge no fee for copies unless made out. Proviso.

* See Rev. Code, vol. 1, ch. 115, pa. 211—ch. 156, pa. 312—ch. 201, pa. 362—ch. 249, sec. 9, pa. 391.

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prevent clerks from taxing in the bill of costs, or execution, to b recovered by the successful party, the fee for making up records heretofore; nor shall this act extend to copies of records necessary in cases of appeal, writ of error or supersedeas.

Extortion, what and how punished.

4. If any clerk of a court shall hereafter knowingly and fraudulently charge demand, exact or take more for any business by him don than is allowed by law, or shall knowingly and fraudulently, charg demand, exact or take, any fee for business not actually done, ev ry clerk so offending, shall be held guilty of extortion, and on co viction thereof in the general court, by indictment or informatio shall be amerced and imprisoned at the discretion of a jury, ar shall be discharged from his office forever.

Lawyers may inspect papers.

5. The lawyers practising in any court, shall be allowed, at a times freely to inspect the papers and records of such court, witl out being constrained to take copies thereof. In future it shall n be the duty of the clerk of any court within this commonwealth, make up a complete record in any cause therein decided, except those cases, where the title, or bounds of land shall be determine and, in the case of appeal, writ of error or supersedeas.

In what cases clerks to make up complete records.

Allowance to jailors.

6. *And be it further enacted*, That an annual allowance not e ceeding twenty-five dollars per annum, shall be allowed by ea county and corporation court, for the public services of their jailo which sum shall be levied by the said courts at laying their respe tive levies.

Jailor's fees, how recoverable.

[See Rev. Code, vol. 1, ch. 213, p. 368.]

7. And whereas, much injustice hath been done, by delay in r covering the fees due to jailors, *Be it enacted*, That it shall be law ful for any jailor to demand, at the end of every three months, the creditor at whose suit the debtor is in custody, or his agen where by law the creditor is now liable, the amount of his accou for maintenance of such debtor; and in case such creditor shall fa to make immediate payment thereof, it shall be lawful for such jailo upon giving ten days notice to such creditor, or his agent, to rec ver by motion to his district, county or corporation court, the mount thereof; and the clerk of the court before whom such jud ment shall be had, shall endorse upon any execution issued thereo that no security is to be taken, and if the sheriff, or other offic shall make return on two several executions that he cannot m the amount therein mentioned, it shall and may be lawful for s jailor to discharge such debtor out of his custody: But nothin this, or any other act, is to be construed so as to compel any cre tor to pay for the maintenance of his debtor, or the jailor to supp him, when such debtor hath taken the benefit of the prison boun

Commencement.

8. This act shall commence and be in force from the first da July next.

CHAP. LXII.

*An Act concerning the Land Office.**

[Passed January 31, 1805.]

Register's fees raised.

1. BE *it enacted by the General Assembly*, That from and a the commencement of this act, the fees of the register

* See Revised Code, vol. 1, ch. 86, pa. 141, and notes subjoined.

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land office, to be paid by him into the public treasury,(a) shall as follows: For issuing a warrant of survey, and recording the me, where it does not exceed one hundred acres, seventy-five nts; for every fifty acres exceeding that quantity, twenty-five nts; for every warrant issued in exchange for another warrant, r where lands claimed under a former warrant, shall be recovered a caveat, and recording the same, one dollar; for receiving a and certificate, and giving a receipt for the same, twenty-five nts; for issuing and recording a grant thereupon, if the quantity rein contained exceed not one hundred acres, one dollar and seny-eight cents; for every fifty acres exceeding that quantity, if re are not more than ten courses, ten cents; for every course ave ten, six cents; for recording a plat and certificate of survey, the quantity does not exceed one hundred acres, and there be no signment thereon, and has not more than ten courses, fifty cents; d for every additional course, over ten courses, three cents; for ery assignment thereon, or accompanying the same, ten cents; r entering a caveat, or for a copy thereof, seventy-five cents; for copy of a grant, of a patent of land, or for any other copy where e fee is not fixed by law, for every thirty words, exclusive of the arch, two cents; for a search for any thing, and reading the same, within the time of ten years, to be mentioned by the applicant, elve and half cents; for every ten years more than the first, elve and half cents; for every title paper recited in any inclusive rvey, ten cents; *Provided*, That all persons who have heretofore ated lands, shall be at liberty to return their plats and certificates survey, and to obtain grants for the same, upon payment of the es heretofore established. Proviso.

2. *And be it further enacted*, That from and after the first day October next, the register of the land office shall be allowed but o clerks, any law to the contrary notwithstanding. Only two clerks allowed after 1st October next.

3. *And be it further enacted*, That the register of the land office, hall hereafter be chosen annually, by joint ballot of both houses of e general assembly; *Provided nevertheless*, That the present reister shall hold his office until the first day of January next. Register to be chosen annually.

4. So much of any act, as comes within the purview of this act, hall be, and the same hereby is repealed. Repealing clause.

5. This act shall commence and be in force from and after the ssing thereof. Commencement.

CHAP. LXIII.

*An Act providing for the Support of Government, by the Imposition of Taxes.**

[Passed January 31, 1805.]

BE *it enacted by the General Assembly*, That the public taxes for the year one thousand eight hundred and four, shall be as follows, to wit: on lands, for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been or shall Public taxes for the year 1804.

(a) Fees of the register first made payable into the public treasury by act of October session, 1784, ch. 51, pa. 8.

* See ante chap. 18, and the notes subjoined.

1804. be exempted by reason of age or infirmity, by the respective coun ty or corporation courts, forty-four cents; for every stud horse an jack-ass, twice the price at which such horse or ass covers a mar for the season; for all other horses, mules, mares and colts, twelv cents each; for every ordinary license, twelve dollars and fift cents; for every four wheeled riding carriage, except phaeton and stage waggons, one dollar and twenty-five cents per wheel for all phaetons and stage waggons, eighty-four cents per wheel and for every other riding carriage with two wheels, forty-thre cents per wheel; for all lots and houses in town, one dollar an fifty-six cents, on every hundred dollars of the rent thereof, to b ascertained by the rent paid by the tenant; and where such hous or lot is in the occupation of the proprietor, the yearly rent or va lue thereof shall be ascertained by the commissioners of the re venue, or either of them, by a comparison of its value with othe houses or lots actually rented; on every license to sell merchan dize of foreign growth or manufacture, by wholesale and retail forty dollars; on every license to retail such goods, fifteen dollars on every license to a hawker or pedlar, twenty dollars.

Proviso. 2. *Provided*, That no taxes shall be collected on lands, lots houses, or other property, belonging to this commonwealth, or t any county, town, college, houses for divine worship, or seminar of learning.

Proviso. 3. *And provided also*, That without such license, a farmer o planter may sell salt, sugar, coffee, tea, spices, iron or steel, to hi neighbors, purchased as a return load on carrying their produce i their waggons, or otherwise, to market.

CHAP. LXIV.

*An Act to Appropriate the Public Revenue.**

[Passed January 31, 1805.]

Appropriation of public revenue. 1. BE *it enacted by the General Assembly*, That the taxes and arrearages of taxes due prior to the year one thousand eight hundred and three, and all other branches of public revenue which arise to the commonwealth, prior to the first day of January one thousand eight hundred and six, and the surplus of all appropriations heretofore made, shall constitute a general fund, and be appropriated in the following manner: For the payment of the expenses of the general assembly at their next session, forty-six thousand three hundred thirty-six dollars; for the officers of civil government, fifty-eight thousand dollars; for officers of militia three thousand four hundred dollars; for expenses of examinations of criminals, in the county, corporation and district courts, including the expenses of guards employed over the district, county and corporation jails, forty-one thousand two hundred and sixty dollars; for slaves executed, three thousand dollars; for slaves transported, two thousand nine hundred dollars; for the lunatic hospital in the city of Williamsburg, six thousand five hundred dollars; for the public guard in the city of Richmond, fifteen thou-

* See ante chap. 19, and note annexed.

and four hundred and fifty dollars; for completing the manufactory of arms, including arrearages due on account thereof, ten thousand dollars; for expenses in carrying on the manufactory of arms, including the officers salaries, forty thousand dollars; for expenses of removing criminals to the penitentiary, and their confinement therein, ten thousand five hundred and fifty dollars; for the James river canal warehouse, two thousand three hundred dollars; for the repairs of public warehouses, three thousand two hundred dollars; for public services of the clerks of district courts, one thousand seven hundred dollars; for interest on public debt, registered, five thousand four hundred and fifty dollars forty-two cents; for payment of a debt due Louis A. Pauly, five thousand one hundred and seventy-seven dollars forty-one cents; for interest on debt due to persons who paid money into the treasury for British debts, twenty-three thousand seven hundred and nine dollars fifty cents; for discharging the amount of a debt due Duncan Rose's executors, eight thousand and twenty-two dollars; for pensioners, five thousand three hundred dollars; for defraying the expense of elections of senators and representatives to congress, four hundred dollars; for the upper Appomattox canal company, six hundred and twenty-five dollars; for the first instalment on the state's shares in the bank of Virginia, thirty thousand dollars; for paying commissioners of the public revenue, twelve thousand nine hundred and sixty dollars; for clearing Holstein river, four hundred and ninety dollars; for defraying the expense of opening and improving Kanawha road, including former appropriations, three thousand four hundred dollars; and for the contingent expenses of government, eleven thousand dollars. 1804.

2. *And be it further enacted*, That no monies shall be applied towards the completion of the foundery of cannon, during the present year; nor shall any surplus of one fund be applied to make good any deficiency of any other fund. No appropriation for cannon foundery.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXV.

*An Act to provide more effectually for the Collection of Taxes.**

[Passed February 1, 1805.]

1. BE *it enacted by the General Assembly*, That upon any person producing to any commissioner of the revenue for his county, district or corporation, or to the clerk of the court, if there be no commissioner, a receipt for forty dollars, paid to the sheriff or collector, such commissioner or clerk shall grant to such person a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall in like manner receive a license to retail such goods for the same time; and if any person shall sell such merchandize either by wholesale or retail, on land or on board any vessel, without having obtained such license, such person shall forfeit and pay one hundred dollars, Commissioners to grant license to merchants. Penalty for selling without license.

* See ante ch. 16, and the notes subjoined.

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to be recovered by the commissioners of the county, district or corporation, in any court of record, on ten days previous notice, for the use of the commonwealth; of which licenses and fines, the commissioners shall annually in their books return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying the names of the persons, which shall be evidence whereupon to charge the sheriff or collector:

Commissioners to return list of licenses.

Clerk to receive merchant tax where no sheriff or collector.

2. *Provided always*, That if there be no such sheriff or collector the clerk of the court shall have a right to receive the tax, to be accounted for in like manner as other taxes by him received, and his receipt shall entitle the party to a license in the same manner as the receipt of the sheriff or collector: *Provided nevertheless*, That not more than one tax shall be paid on account of selling at one and the same store; and if any person or persons shall keep two or more stores, he, she or they shall pay one tax for each store.—All the said licenses shall be taken out previous to the first day of May next, and shall be good and effectual for the term of one year next ensuing; *Provided*, That if any new store shall be opened or land between the first day of May and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year, and its amount shall be specified in the license, and in the commissioner's return.

Construction of the act concerning hawkers and pedlars.

3. *And be it further enacted*, That the act concerning hawkers and pedlars, shall be so construed as to make it necessary for each hawker and pedlar to obtain a license; that it shall be the duty of the commissioners to report to the courts of their respective counties, such merchants, hawkers and pedlars, as neglect to comply with this act, and on such report, it shall be the duty of the said court to direct process against all delinquents so reported.

Licenses to hawkers and pedlars to be recorded.

4. *And be it further enacted*, That each hawker and pedlar, after obtaining a license to sell goods, wares and merchandize, shall, in the court of each county in which he offers goods for sale, enter on record his license obtained for vending of goods, wares and merchandize, for which he shall pay twenty-five cents to the clerk; and in case of failure, each hawker and pedlar shall be subject to the same penalty as if he had no such license. The clerk of each court shall, on each court day throughout the year, cause a list of such licenses as are recorded by him, to be stuck up in some public place in the courthouse, expressing when such license was granted, when it will expire, and by what court it was granted; and in case of failure, such clerk, for each omission, shall forfeit and pay the sum of fifty dollars, to be recovered by motion of the commissioners in any court of record, ten days notice thereof being first given. For every license granted by a commissioner under this act, he shall be entitled to twenty-five cents, which shall be paid to him out of the public treasury, on warrant from the auditor of public accounts, after his list of licenses shall be returned to the auditor as aforesaid.

Penalty for failure.

Clerks of courts to cause licenses to hawkers and pedlars to be stuck up.

Penalty on clerks failing to return list of licenses to hawkers & pedlars.

Clerks of courts shall, annually, on or before the first day of October, return to the auditor a list of all hawkers and pedlars licenses granted by their respective courts, previous to the first day of September, in every year; and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered by motion in the general court on ten days previous notice. The clerks of courts shall also on or before the fifteenth day of December, in every year, account on

Clerks, when to account for tax-

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ith, to the auditor of public accounts, for all taxes received by them, by virtue of their offices, previous to the first day of September, in such year. A list of all licenses granted to merchants, shall be returned by the commissioner or clerk granting the same, to the county or corporation courts for their examination, after which the said lists shall be delivered to the said sheriffs or collectors, who shall, annually, on or before the first day of October next, after the receipt thereof, account for and pay the same into the public treasury.*

es received by them.

Commissioner or clerk to return list of merchants licenses to county courts.

5. *And be it further enacted*, That where the owner or proprietor of any house or lot subject to taxation, shall think himself aggrieved by the valuation of the commissioner, he may appeal to the court by whom he was appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners, or either of them, to ascertain the rent paid on houses or lots actually rented or leased, may call on the tenant or proprietor to declare, on oath or solemn affirmation, what is the amount of rent paid for the same; and every person so called on and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion on ten days previous notice, at the instance of the commissioners of the revenue, or either of them.

Person dissatisfied with valuation of commissioner, how remedied.

Commissioner to ascertain the value of leased property.

6. *And be it further enacted*, That every covering horse, or jack-ass, which shall not be duly entered as such with the commissioners of the revenue; and all such horses and asses brought into this commonwealth subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place where he shall stand, upon whom it shall be distrainable by the sheriff as if the same had been entered on the commissioner's book in his name; for two thirds whereof the sheriff shall be accountable to the public, and for every failure so to account, shall forfeit two hundred dollars, to be recovered with costs, on ten days previous notice, by the auditor for the use of the commonwealth: *Provided*, That any person bringing such horse or ass into this commonwealth, entering him with the commissioner within ten days thereafter, and paying the tax to which he is liable, shall be absolved from said penalty, and such commissioner shall subjoin such horse or ass to the list of taxables.

Penalty on owners of stud horses and asses for non-compliance with the law.

7. *And be it further enacted*, That when any person shall remove any stud horse or jack-ass out of the limits of the county, or commissioner's district wherein he is resident, after the ninth of March in any year, it shall be the duty of such person removing such horse or ass as aforesaid, to produce to the sheriff of the county into which such horse or ass is removed, a certificate from the commissioner of the county or district from which such horse or ass is removed, that such horse or ass has been duly entered with such commissioner, and the sum for which such horse or ass is entered for the season; every person failing as aforesaid, shall forfeit and pay treble the amount of the sum at which such horse or ass

Person removing horse or ass after 9th March, how to proceed.

* By act of 1805, ch. 3, sec. 3, pa. 5, post. ch. 85, a certified copy of the list of merchants' licenses shall be transmitted to the auditor, by the commissioners granting it in Richmond, Norfolk, Petersburg, Manchester, Falmouth, Portsmouth and Fredericksburg, on or before the 20th of May, at which time the sheriffs and collectors shall pay the amount of the tax received therefrom into the public treasury.

1804. Surry, Tazewell, Warwick, Wood, Westmoreland, York, Lancaster, and the cities and boroughs of Richmond, Williamsburg, Petersburg, Fredericksburg, Winchester, Staunton and the borough of Norfolk, shall compose the third class, and the courts of the said counties, cities and boroughs, may appoint one commissioner of the revenue therein.

Fee for alienation.

2. Each commissioner shall receive for an alienation, fifty cents; and for an alteration, except made to correct an error of a commissioner, fifty cents.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. LVII.

An Act to reform the Practice of the District, County and Corporation Courts in certain cases.

[Passed January 29, 1805.]

Office judgments, interest on, how to be calculated.

1. BE *it enacted by the General Assembly*, That when any final judgment shall be entered up in the office of any court in this commonwealth, against any defendant or defendants, and their securities, or against any defendant or defendants, and sheriff, or other officer, by default, in any action of debt founded on a single bill, promissory note, or other writing signed by the party, for the payment of money or tobacco, it shall be the duty of the clerk to issue execution thereon, as well for interest until paid, from the time the said bill, promissory note, or other writing as aforesaid, was payable, as for the principal sum and costs, unless the said judgment shall have been set aside in the same manner as other office judgments may now be set aside.

Interest on certain judgments, how to be fixed.

[Ante ch. 29.]

2. *And be it further enacted*, That nothing contained in the fifth section of the act, intituled, "An act concerning proceedings in chancery and other purposes," shall be so construed as to allow interest on costs, or compound interest in any case whatsoever; and that hereafter, in all actions founded on contracts, the jury shall ascertain the principal sum due, and fix the period at which interest shall commence (if interest be allowed by them) and judgment shall be rendered accordingly, carrying on the interest till the judgment shall be satisfied.

Costs of notice in district & chancery courts.

3. *And be it further enacted*, That in all cases where the district courts of common law and chancery are authorized to render judgments or award executions upon motions, wherein the plaintiff or plaintiffs shall prevail, fifty cents shall be taxed in the bill of costs for each notice proved to have been delivered; and it shall be the duty of the sheriffs, and other officers, when required, to give notices of such motions.*

Clerk may send process out of his county in certain chancery proceedings.

4. *And be it further enacted*, That whenever an injunction shall be obtained in any county or corporation court, to stay proceedings at law upon a judgment of such court, or a bill exhibited to foreclose the equity of redemption in mortgaged premises, (which is hereby declared to be sustainable in the court of the county or corporation where the land lies, notwithstanding the defendant or defendants,

* See Revised Code, vol. 1, ch. 270, pa. 405, same fee for notices in county and corporation courts.

or any of them, may reside out of such county or corporation) it shall and may be lawful for the clerk thereof to issue any legal process against such defendant or defendants, as do not reside within the said county or corporation, directed to the sheriff or sergeant of any county or corporation within this commonwealth, upon whose return the same proceedings shall be had, as if the process had been served by the proper officer of the county or corporation, in which the suit may be depending. 1805.

5. This act shall commence and be in force from and after the first day of April next. Commencement.

CHAP. LVIII.

*An Act to amend an Act, entituled, "An Act, reducing into one the several Acts for the Inspection of Tobacco."**

[Passed January 30, 1805.]

1. BE *it enacted*, That whensoever hereafter a hogshead of tobacco shall be refused at any warehouse, the owner thereof may have it picked as at present or dispose of it at pleasure. Owner may dispose of any refused tobacco, or have it picked.

2. *And be it further enacted*, That whosoever shall ship, or otherwise send out of the state, one or more hogsheads of refused tobacco, shall forfeit and pay for every such hogshead, four hundred dollars, recoverable in any court of record in this state, one half to the informer, and the other half for the use of the commonwealth. Penalty for sending refused tobacco out of the state.

3. This act shall be in force after the first of April next. Commencement.

CHAP. LIX.

An Act making Compensation to Witnesses attending on the part of the Commonwealth in Civil Cases, and for other purposes.

[Passed January 31, 1805.]

1. BE *it enacted by the General Assembly*, That every person summoned and attending as a witness on behalf of the commonwealth, before any court, in a civil case therein depending, shall be entitled to the same compensation for his or her attendance, as is allowed by law to witnesses attending such courts on behalf of individuals in like cases; and on a certificate of such attendance, under the hand of the clerk of the court wherein the same was entered, being produced to, and filed with, the auditor of public accounts, he shall issue his warrant for the amount thereof, payable out of the public treasury. And in every civil case where the commonwealth shall prevail, all costs which it is liable to pay, shall be taxed in the bill of costs, and recovered in like manner as is provided in the case of individuals. Witnesses attending for commonwealth in civil cases to be paid. [☞ See Revised Code, vol. 1, ch. 275, pa. 407, allowance to witnesses in prosecutions for crimes or misdemeanors.]

2. Constables shall be allowed for arrests in criminal cases and summoning witnesses, the same fees as are allowed the sheriff in civil cases for the like services; and constables and guards employed in conveying prisoners to the county jail, shall have the same al- Allowance to constables in certain cases. [☞ See ante ch. 8, fees of constables.]

* See ante ch. 37 and the notes subjoined.—Further regulations concerning refused tobacco, post. ch. 73, sec. 4.

1804. lowances as are made to sheriffs and guards removing prisoners to the penitentiary; which fees and allowances shall be paid out of the public treasury.

CHAP. LX.

*An Act further to amend the Act, entituled, "An Act to reduce into one the several Acts concerning Slaves, Free Negroes and Mulattoes."**

[Passed January 31, 1805.]

Penalty for carrying slaves off.

1. BE *it enacted by the General Assembly*, That whosoever hereafter shall carry or cause to be carried any slave or slaves out of this commonwealth, or who shall carry or cause to be carried any slave or slaves out of any county or corporation within this commonwealth, into any other county or corporation within the same, without the consent of the owner or owners of such slave or slaves, or of the guardian of such owner or owners (if he, she or they, be a minor or minors) and with intention to defraud or deprive such owner or owners of such slave or slaves, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than one hundred, nor more than five hundred dollars, and shall also be imprisoned in the jail or penitentiary house, for a period not less than two, nor more than four years; which fine and imprisonment shall be fixed and ascertained by a jury. And the person offending herein shall moreover be subjected to pay to the owner or owners of the slave or slaves carried away as aforesaid, double the value of such slave or slaves, together with double the amount of all costs and expenses by him, her or them incurred in regaining or attempting to regain such slave or slaves, to be recovered by an action on the case in any court of record in this commonwealth, having original jurisdiction over such actions.

[See as to masters of vessels, Revised Code, vol. 1, ch. 103, sec. 50, pa. 192—also ch. 222, sec. 6, page 374.]

Bail may be required as of right.

In all actions instituted for the recovery of the penalty imposed by this act, bail may be required of the defendant or defendants as of right.

Construction of this act.

2. And as doubts may arise as to what shall be considered a carrying away or removal, within the meaning of this act, *Be it further enacted*, That not only all those who shall willingly and designedly carry away slaves as aforesaid, but all masters of vessels, who, having a slave or slaves on board their said vessels, shall sail beyond the limits of any county, with such slave or slaves on board, shall be considered as carrying off or removing such slave or slaves, within the true intent and meaning of this act. And any person travelling by land, who shall give countenance, protection, or assistance to such slave or slaves, for the purpose of preventing him, her, or them, from being stopped or apprehended, shall also be considered as carrying off or removing such slave or slaves, within the true intent and meaning of this act.

Penalty on masters of vessels for allowing slaves to come on board their vessels in certain cases.

3. *Be it further enacted*, That any master or skipper of a vessel, who shall permit any slave to come on board his vessel without leave or consent of his master, overseer, or owner, or shall buy, receive of or from a slave, any commodity whatsoever, without the leave or consent of the master, owner, or overseer, as aforesaid,

* See Revised Code vol. 1, ch. 103, pa. 186, and notes subjoined; also post. chap. 69.

1804.

shall forfeit and pay for every such offence, in addition to the penalties now imposed by law, the sum of two hundred dollars; one third thereof, shall go to the master or owner of such slave, one third to the informer, and one third to the overseers of the poor for the use of the poor. [See Rev. Code, vol. 1, ch. 305, p. 432.]

4. In any action which shall be brought against the master or skipper of any ship or vessel, in pursuance of this act, the defendant may be held to bail. Defendant may be held to bail.

5. *And be it further enacted*, That it shall not be lawful for the overseers of the poor who may hereafter bind out any black or mulatto orphan, to require the master or mistress to teach such orphan reading, writing or arithmetic. Black or mulatto orphan not to be taught reading, writing or arithmetic.

6. All acts, and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed. Repealing clause.

7. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXI.

An Act to explain and amend the Act, entituled, "An Act reducing into one the several acts concerning the Fees of certain Officers, and declaring the mode of discharging the said Fees and County Levies."[*]

[Passed January 31, 1805.]

1. BE *it enacted*, That the clerks of the several courts of common law and in chancery within this commonwealth, shall, for entering any rule in any cause at law or in chancery upon their rule docket, whereby one party shall require the other to file a declaration, plea, replication, rejoinder or other pleading, or for entering a common order, or a confirmation thereof, or filing any of the aforesaid pleadings at law, a bill, answer, replication, or other proceeding in chancery, the same fees as heretofore; but no clerk shall be entitled to any fee for continuing a cause or rule upon his rule docket: But it shall be the duty of the clerk to continue the cause or rule monthly, when the same shall be necessary, upon the rule docket; and for all which continuances, he shall be entitled to twenty-five cents quarterly, in lieu of all fees heretofore allowed for continuances, and no more. Fees allowed.

2. Separate and distinct rule and court dockets shall be kept for chancery causes in the county and corporation courts. Clerks to keep separate dockets.

3. It shall not be lawful for any clerk to place any fee bill in the hands of any sheriff, or demand or receive any fee, for a copy of any writ, declaration, bill, or other pleading, or proceeding; or for a copy of any judgment or decree, or of costs, in any cause, unless such copy hath been actually made out at the request of the party, his agent or attorney, nor shall any clerk place any fee bill in the hands of any sheriff, or demand or receive any fee, for making up a complete record in any cause, wherein it shall be necessary, until he shall actually have made up such record: *Provided*, That nothing herein contained shall be so construed as to prevent witnesses from obtaining copies of orders for their attendance, or to Clerk to charge no fee for copies unless made out. Proviso.

[*] See Rev. Code, vol. 1, ch. 115, pa. 211—ch. 156, pa. 312—ch. 201, pa. 362—ch. 20, sec. 9, pa. 391.

1804.

prevent clerks from taxing in the bill of costs, or execution, to be recovered by the successful party, the fee for making up records as heretofore; nor shall this act extend to copies of records necessary in cases of appeal, writ of error or supersedeas.

Extortion, what and how punished.

4. If any clerk of a court shall hereafter knowingly and fraudulently charge demand, exact or take more for any business by him done, than is allowed by law, or shall knowingly and fraudulently, charge, demand, exact or take, any fee for business not actually done, every clerk so offending, shall be held guilty of extortion, and on conviction thereof in the general court, by indictment or information, shall be amerced and imprisoned at the discretion of a jury, and shall be discharged from his office forever.

Lawyers may inspect papers

5. The lawyers practising in any court, shall be allowed, at all times freely to inspect the papers and records of such court, without being constrained to take copies thereof.

In what cases clerks to make up complete records.

In future it shall not be the duty of the clerk of any court within this commonwealth, to make up a complete record in any cause therein decided, except in those cases, where the title, or bounds of land shall be determined, and, in the case of appeal, writ of error or supersedeas.

Allowance to jailors.

6. *And be it further enacted*, That an annual allowance not exceeding twenty-five dollars per annum, shall be allowed by each county and corporation court, for the public services of their jailor; which sum shall be levied by the said courts at laying their respective levies.

Jailor's fees, how recoverable.

[See Rev. Code, vol. 1, ch. 213, p. 368.]

7. And whereas, much injustice hath been done, by delay in recovering the fees due to jailors, *Be it enacted*, That it shall be lawful for any jailor to demand, at the end of every three months, of the creditor at whose suit the debtor is in custody, or his agent, where by law the creditor is now liable, the amount of his account for maintenance of such debtor; and in case such creditor shall fail to make immediate payment thereof, it shall be lawful for such jailor, upon giving ten days notice to such creditor, or his agent, to recover by motion to his district, county or corporation court, the amount thereof; and the clerk of the court before whom such judgment shall be had, shall endorse upon any execution issued thereon, that no security is to be taken, and if the sheriff, or other officer, shall make return on two several executions that he cannot make the amount therein mentioned, it shall and may be lawful for such jailor to discharge such debtor out of his custody: But nothing in this, or any other act, is to be construed so as to compel any creditor to pay for the maintenance of his debtor, or the jailor to support him, when such debtor hath taken the benefit of the prison bounds.

Commencement.

8. This act shall commence and be in force from the first day of July next.

CHAP. LXII.

*An Act concerning the Land Office.**

[Passed January 31, 1805.]

Register's fees raised.

1. BE *it enacted by the General Assembly*, That from and after the commencement of this act, the fees of the register of

* See Revised Code, vol. 1, ch. 86, pa. 141, and notes subjoined

1804.

the land office, to be paid by him into the public treasury,(a) shall be as follows: For issuing a warrant of survey, and recording the same, where it does not exceed one hundred acres, seventy-five cents; for every fifty acres exceeding that quantity, twenty-five cents; for every warrant issued in exchange for another warrant, or where lands claimed under a former warrant, shall be recovered on a caveat, and recording the same, one dollar; for receiving a plat and certificate, and giving a receipt for the same, twenty-five cents; for issuing and recording a grant thereupon, if the quantity therein contained exceed not one hundred acres, one dollar and seventy-eight cents; for every fifty acres exceeding that quantity, if there are not more than ten courses, ten cents; for every course above ten, six cents; for recording a plat and certificate of survey, if the quantity does not exceed one hundred acres, and there be no assignment thereon, and has not more than ten courses, fifty cents; and for every additional course, over ten courses, three cents; for every assignment thereon, or accompanying the same, ten cents; for entering a caveat, or for a copy thereof, seventy-five cents; for a copy of a grant, of a patent of land, or for any other copy where the fee is not fixed by law, for every thirty words, exclusive of the search, two cents; for a search for any thing, and reading the same, if within the time of ten years, to be mentioned by the applicant, twelve and half cents; for every ten years more than the first, twelve and half cents; for every title paper recited in any inclusive survey, ten cents; *Provided*, That all persons who have heretofore located lands, shall be at liberty to return their plats and certificates of survey, and to obtain grants for the same, upon payment of the fees heretofore established. Proviso

2. *And be it further enacted*, That from and after the first day of October next, the register of the land office shall be allowed but two clerks, any law to the contrary notwithstanding. Only two clerks allowed after 1st October next.

3. *And be it further enacted*, That the register of the land office, shall hereafter be chosen annually, by joint ballot of both houses of the general assembly; *Provided nevertheless*, That the present register shall hold his office until the first day of January next. Register to be chosen annually.

4. So much of any act, as comes within the purview of this act, shall be, and the same hereby is repealed. Repealing clause

5. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXIII.

*An Act providing for the Support of Government, by the Imposition of Taxes.**

[Passed January 31, 1805.]

1. BE *it enacted by the General Assembly*, That the public taxes for the year one thousand eight hundred and four, shall be as follows, to wit: on lands, for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been or shall Public taxes for the year 1804.

(a) Fees of the register first made payable into the public treasury by act of October session, 1784, ch. 51, pa. 8.

* See ante chap. 18, and the notes subjoined.

1804. be exempted by reason of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse and jack-ass, twice the price at which such horse or ass covers a mare for the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary license, twelve dollars and fifty cents; for every four wheeled riding carriage, except phaetons and stage waggons, one dollar and twenty-five cents per wheel; for all phaetons and stage waggons, eighty-four cents per wheel; and for every other riding carriage with two wheels, forty-three cents per wheel; for all lots and houses in town, one dollar and fifty-six cents, on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant; and where such house or lot is in the occupation of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by a comparison of its value with other houses or lots actually rented; on every license to sell merchandize of foreign growth or manufacture, by wholesale and retail, forty dollars; on every license to retail such goods, fifteen dollars; on every license to a hawker or pedlar, twenty dollars.

Proviso. 2. *Provided*, That no taxes shall be collected on lands, lots, houses, or other property, belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning.

Proviso. 3. *And provided also*, That without such license, a farmer or planter may sell salt, sugar, coffee, tea, spices, iron or steel, to his neighbors, purchased as a return load on carrying their produce in their waggons, or otherwise, to market.

CHAP. LXIV.

*An Act to Appropriate the Public Revenue.**

[Passed January 31, 1805.]

Appropriation of public revenue. 1. BE *it enacted by the General Assembly*, That the taxes and arrearages of taxes due prior to the year one thousand eight hundred and three, and all other branches of public revenue which arise to the commonwealth, prior to the first day of January, one thousand eight hundred and six, and the surplus of all appropriations heretofore made, shall constitute a general fund, and be appropriated in the following manner: For the payment of the expenses of the general assembly at their next session, forty-six thousand three hundred thirty-six dollars; for the officers of civil government, fifty-eight thousand dollars; for officers of militia, three thousand four hundred dollars; for expenses of examinations of criminals, in the county, corporation and district courts, including the expenses of guards employed over the district, county and corporation jails, forty-one thousand two hundred and sixty dollars; for slaves executed, three thousand dollars; for slaves transported, two thousand nine hundred dollars; for the lunatic hospital in the city of Williamsburg, six thousand five hundred dollars; for the public guard in the city of Richmond, fifteen thou-

* See ante chap. 19, and note annexed.

sand four hundred and fifty dollars; for completing the manufactory of arms, including arrearages due on account thereof, ten thousand dollars; for expenses in carrying on the manufactory of arms, including the officers salaries, forty thousand dollars; for expenses of removing criminals to the penitentiary, and their confinement therein, ten thousand five hundred and fifty dollars; for the James river canal warehouse, two thousand three hundred dollars; for the repairs of public warehouses, three thousand two hundred dollars; for public services of the clerks of district courts, one thousand seven hundred dollars; for interest on public debt, registered, five thousand four hundred and fifty dollars forty-two cents; for payment of a debt due Louis A. Pauly, five thousand one hundred and seventy-seven dollars forty-one cents; for interest on debt due to persons who paid money into the treasury for British debts, twenty-three thousand seven hundred and nine dollars fifty cents; for discharging the amount of a debt due Duncan Rose's executors, eight thousand and twenty-two dollars; for pensioners, five thousand three hundred dollars; for defraying the expense of elections of senators and representatives to congress, four hundred dollars; for the upper Appomattox canal company, six hundred and twenty-five dollars; for the first instalment on the state's shares in the bank of Virginia, thirty thousand dollars; for paying commissioners of the public revenue, twelve thousand nine hundred and sixty dollars; for clearing Holstein river, four hundred and ninety dollars; for defraying the expense of opening and improving Kanawha road, including former appropriations, three thousand four hundred dollars; and for the contingent expenses of government, eleven thousand dollars. 1804.

2. *And be it further enacted*, That no monies shall be applied towards the completion of the foundery of cannon, during the present year; nor shall any surplus of one fund be applied to make good any deficiency of any other fund. No appropriation for cannon foundery.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXV.

*An Act to provide more effectually for the Collection of Taxes.**

[Passed February 1, 1805.]

1. BE *it enacted by the General Assembly*, That upon any person producing to any commissioner of the revenue for his county, district or corporation, or to the clerk of the court, if there be no commissioner, a receipt for forty dollars, paid to the sheriff or collector, such commissioner or clerk shall grant to such person a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall in like manner receive a license to retail such goods for the same time; and if any person shall sell such merchandize either by wholesale or retail, on land or on board any vessel, without having obtained such license, such person shall forfeit and pay one hundred dollars, Commissioners to grant license to merchants. Penalty for selling without license.

* See ante ch. 16. and the notes subjoined.

1804.

to be recovered by the commissioners of the county, district or corporation, in any court of record, on ten days previous notice, for the use of the commonwealth; of which licenses and fines, the commissioners shall annually in their books return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying the names of the persons, which shall be evidence whereupon to charge the sheriff or collector:

Commissioners to return list of licenses.

Clerk to receive merchant tax where no sheriff or collector.

2. *Provided always*, That if there be no such sheriff or collector, the clerk of the court shall have a right to receive the tax, to be accounted for in like manner as other taxes by him received, and his receipt shall entitle the party to a license in the same manner as the receipt of the sheriff or collector: *Provided nevertheless*, That not more than one tax shall be paid on account of selling at one and the same store; and if any person or persons shall keep two or more stores, he, she or they shall pay one tax for each store.—All the said licenses shall be taken out previous to the first day of May next, and shall be good and effectual for the term of one year next ensuing; *Provided*, That if any new store shall be opened on land between the first day of May and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year, and its amount shall be specified in the license, and in the commissioner's return.

Construction of the act concerning hawkers and pedlars.

3. *And be it further enacted*, That the act concerning hawkers and pedlars, shall be so construed as to make it necessary for each hawker and pedlar to obtain a license; that it shall be the duty of the commissioners to report to the courts of their respective counties, such merchants, hawkers and pedlars, as neglect to comply with this act, and on such report, it shall be the duty of the said court to direct process against all delinquents so reported.

Licenses to hawkers and pedlars to be recorded.

4. *And be it further enacted*, That each hawker and pedlar, after obtaining a license to sell goods, wares and merchandize, shall, in the court of each county in which he offers goods for sale, enter on record his license obtained for vending of goods, wares and merchandize, for which he shall pay twenty-five cents to the clerk; and in case of failure, each hawker and pedlar shall be subject to the same penalty as if he had no such license. The clerk of each court shall, on each court day throughout the year, cause a list of such licenses as are recorded by him, to be stuck up in some public place in the courthouse, expressing when such license was granted, when it will expire, and by what court it was granted; and in case of failure, such clerk, for each omission, shall forfeit and pay the sum of fifty dollars, to be recovered by motion of the commissioners in any court of record, ten days notice thereof being first given. For every license granted by a commissioner under this act, he shall be entitled to twenty-five cents, which shall be paid to him out of the public treasury, on warrant from the auditor of public accounts, after his list of licenses shall be returned to the auditor as aforesaid.

Penalty for failure.

Clerks of courts to cause licenses to hawkers and pedlars to be stuck up.

Penalty on clerks failing to return list of licenses to hawkers & pedlars.

Clerks of courts shall, annually, on or before the first day of October, return to the auditor a list of all hawkers and pedlars licenses granted by their respective courts, previous to the first day of September, in every year; and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered by motion in the general court, on ten days previous notice. The clerks of courts shall also on or before the fifteenth day of December, in every year, account on

Clerks, when to account for tax-

oath, to the auditor of public accounts, for all taxes received by them, by virtue of their offices, previous to the first day of September, in such year. A list of all licenses granted to merchants, shall be returned by the commissioner or clerk granting the same, to the county or corporation courts for their examination, after which the said lists shall be delivered to the said sheriffs or collectors, who shall, annually, on or before the first day of October next, after the receipt thereof, account for and pay the same into the public treasury.*

Taxes received by them.

Commissioner or clerk to return list of merchants licenses to county courts.

5. *And be it further enacted*, That where the owner or proprietor of any house or lot subject to taxation, shall think himself aggrieved by the valuation of the commissioner, he may appeal to the court by whom he was appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners, or either of them, to ascertain the rent paid on houses or lots actually rented or leased, may call on the tenant or proprietor to declare, on oath or solemn affirmation, what is the amount of rent paid for the same; and every person so called on and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion on ten days previous notice, at the instance of the commissioners of the revenue, or either of them.

Person dissatisfied with valuation of commissioner, how remedied.

Commissioner to ascertain the value of leased property.

6. *And be it further enacted*, That every covering horse, or jack-ass, which shall not be duly entered as such with the commissioners of the revenue; and all such horses and asses brought into this commonwealth subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place where he shall stand, upon whom it shall be distrainable by the sheriff as if the same had been entered on the commissioner's book in his name; for two thirds whereof the sheriff shall be accountable to the public, and for every failure so to account, shall forfeit two hundred dollars, to be recovered with costs, on ten days previous notice, by the auditor for the use of the commonwealth: *Provided*, That any person bringing such horse or ass into this commonwealth, entering him with the commissioner within ten days thereafter, and paying the tax to which he is liable, shall be absolved from said penalty, and such commissioner shall subjoin such horse or ass to the list of taxables.

Penalty on owners of stud horses and asses for non-compliance with the law.

7. *And be it further enacted*, That when any person shall remove any stud horse or jack-ass out of the limits of the county, or commissioner's district wherein he is resident, after the ninth of March in any year, it shall be the duty of such person removing such horse or ass as aforesaid, to produce to the sheriff of the county into which such horse or ass is removed, a certificate from the commissioner of the county or district from which such horse or ass is removed, that such horse or ass has been duly entered with such commissioner, and the sum for which such horse or ass is entered for the season; every person failing as aforesaid, shall forfeit and pay treble the amount of the sum at which such horse or ass

Person removing horse or ass after 9th March, how to proceed.

* By act of 1805, ch. 3, sec. 3, pa. 5, post. ch. 85, a certified copy of the list of merchants' licenses shall be transmitted to the auditor, by the commissioners granting it in Richmond, Norfolk, Petersburg, Manchester, Falmouth, Portsmouth and Fredericksburg, on or before the 20th of May, at which time the sheriffs and collectors shall pay the amount of the tax received therefrom into the public treasury.

1805. shall cover for the season, to be collected and accounted for by the sheriff, on oath, for the use of the commonwealth.

Tax upon ordinary licenses.

8. *And be it further enacted*, That no court shall hereafter grant to any person a license to keep an ordinary, until such person shall produce to such court, the receipt of the sheriff, collector or sergeant, for the tax by law imposed on such license; which tax shall be refunded to the person paying the same, by such sheriff, collector or sergeant, if such license be refused.

Proviso.

9. *Provided always, and be it further enacted*, That ten days previous notice shall hereafter be necessary, to any sheriff, collector, clerk, inspector or notary public, for the purpose of recovering a judgment for any taxes, fines or public dues of any kind, where, by law, the auditor is authorised to proceed against them, or any of them, by motion. No sheriff or collector shall at any time be allowed to return any list of insolvents, or have any credit therefor, after eighteen months shall have expired, from the period of the taxes becoming payable by such sheriff or collector to which such list relates. A commission of five per cent. and no more shall be allowed the sheriffs and collectors, for the collection of taxes on licenses granted to merchants, hawkers or pedlars, any law to the contrary notwithstanding.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the second day of December, one thousand eight hundred and five.

CHAP. LXVI.

*An Act to amend an Act, entituled, an Act "Providing for the Poor and declaring who shall be deemed vagrants."**

[Passed December 19, 1805.]

Proceedings in case of bastards in corporate towns.

1. BE *it enacted by the General Assembly*, That if any single white woman residing within the limits of any corporate town, shall be delivered of a bastard child, which shall be chargeable, or likely to become chargeable to such town, and shall, upon examination before any magistrate of the corporation, to be taken in writing, upon oath, charge any person not being a servant, with being the father of such bastard child, it shall be lawful for any justice of the peace of the county, or magistrate of the corporation wherein the person so charged shall be a resident or inhabitant, upon application made by any person residing in the corporation wherein the said child shall be born, to issue his warrant for the immediate apprehending the person as aforesaid, and for bringing him before such justice or magistate, and the justice or magistrate before whom such person shall be brought, is hereby authorised and

* See Revised Code, vol. 1, ch. 102, pa. 180—ch. 227, pa. 377—ante c 50—ch. 60, sec. 5.

required to commit the person so charged as aforesaid, to the common jail of his county or corporation, unless he shall enter into a recognizance with sufficient security, in a sum not less than fifty dollars, nor more than two hundred dollars, upon condition to appear at the next court to be held for his country or corporation, and to abide such order or orders as shall be made by such court. And if, upon the circumstances of the case, the court shall adjudge the person so charged, to be the father of such bastard child, and that such child is likely to become chargeable to the town in which the mother is a resident, they shall and may in their discretion, make order for keeping such bastard child, by charging the father with the payment of money for the maintenance of such child, in such manner and in such proportions as they shall deem meet and convenient, and for such time as such child is likely to become chargeable to such town, and no longer. And the father of such child shall enter into a recognizance with sufficient security, before the said court, in such sum as the said court in their discretion shall think fit, payable to the governor of this commonwealth for the time being, and his successors, to perform such order or orders of the court aforesaid. And if the father charged with the maintenance of such bastard child, shall make default and not pay the money so as aforesaid charged upon him by the order of the said court, to the sergeant of the corporation, to be applied under the direction of the court of the corporation, to the maintenance of such child, the court before whom the recognizance was entered into, shall, from time to time, on the motion of the sergeant of the corporation, enter up judgment and award execution for the money in such order or orders mentioned, as the same shall become due, against the said father and his security or securities, their executors or administrators; *Provided*, ten days notice be given to the parties against whom such motion is made, before the making thereof. And if the father of such child shall refuse to enter into a recognizance as aforesaid, such father shall be committed by the said court, to the common jail of the county or corporation, there to remain without bail or mainprize, until he shall enter into such recognizance as aforesaid, or until he shall discharge himself by taking the oath of an insolvent debtor, and delivering in a schedule of his estate, in manner directed by the laws for debtors in execution (and which estate shall, by order of the court, be applied towards indemnifying the town) or until the court of the corporation shall consent to his discharge. 1805. Proviso.

CHAP. LXVII.

*An Act concerning Master Commissioners in Chancery.**

[Passed January 3, 1806.]

Master commissioners in county and corporation courts may issue tickets as clerks of courts.

1. BE *it enacted by the General Assembly*, That the commissioner or commissioners of the county and corporation courts, may issue their tickets for the sums allowed by said courts, for services performed by them under the orders of the said courts, and deliver them to the sheriffs or sergeants of their respective counties or corporations, at the same time the clerks of the courts there-

* See ante ch. 1, as to appointment of commissioners in chancery in the county or corporation courts—Rev. Code, vol. 1, ch. 64, sec. 57, pa. 68 and ch. 298, sec. 1, pa. 429, their appointment in superior courts of chancery—*Ibid.* pa. 216, their fees, how collected.

1805. of are directed by law to deliver their tickets; and the several sheriffs or sergeants shall collect and account for them, as well those which may now be due, as those which shall hereafter become due, in the same manner, and under the like penalties, and shall have the same allowance for collecting, and insolvencies, as are prescribed in the case of the clerks of the said county and corporation courts.

All commissioners in chancery may administer oaths.

2. *And be it further enacted*, That commissioners in chancery, as well those in the county and corporation courts, as those in the high courts of chancery, be, and they are hereby empowered to administer an oath or affirmation in all cases to them referred by their respective courts, wherein it shall be necessary to examine witnesses on oath or affirmation, and if any person sworn or affirmed by any of the said commissioners, by virtue of this act, shall give any evidence under such circumstances as would have constituted the same to be perjury if given in the presence of a court of record, the same shall be deemed perjury to all intents and purposes.

Persons disqualified as master commissioners.

3. *And be it further enacted*, That no justice of the peace of any county, or mayor, recorder or alderman of any corporation court, who is, or shall be commissioner in chancery, shall give an opinion on the reference of any cause, nor on the trial of any suit in which he has, or shall have acted as commissioner.

May issue subpœnas.

4. *And be it further enacted*, That the commissioners in chancery of the superior and inferior courts in this commonwealth, shall and may issue subpœnas for witnesses to attend before them, to be executed and returned in like manner as subpœnas issued by the clerks of such courts; and if a subpœna be issued by a commissioner in chancery and served upon the witness or witnesses named therein, and he, she, or they, shall fail to attend, according to the requisition of such subpœna, such commissioner shall report such default, and thereupon such proceedings shall be had before the court to which such report shall be made, as would be had if such witness or witnesses had been summoned to such court to give evidence on a trial therein depending, and had made default. And moreover, such witness or witnesses shall be liable to such action for damages at the suit of the party aggrieved, as he, she, or they would have been liable to for a default in court as aforesaid.

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. LXVIII.

*An Act regulating the Manner in which certain Duties shall be Performed by the County and Corporation Courts.**

[Passed January 21, 1806.]

Certain duties of the magistrates to be performed by a majority of them.

1. BE *it enacted by the General Assembly*, That in future it shall not be lawful for the justices of any court in this commonwealth, to make any order for the erection of any public building or buildings, bridge or bridges in such county, nor to recommend any person or persons to be by the executive appointed and commissioned justices of such county, unless a majority of the acting justices

* See Revised Code, vol. 1, ch. 19, sec. 7, pa. 27, as to the erection of bridges—ch. 67, sec. 13, as to the erection of public buildings—Const. V. art. 15, (vol 1, ch. 2, pa. 4, of Rev. Code,) the mode of recommending justices, and appointing clerks of courts.

of the said county shall be present at the time of making such order or recommendation; or unless the court of such county shall have signified their intention of making such order or recommendation, at least one month previous thereto, and shall have caused the same to be entered of record, with directions to the sheriff of such county to summon the justices thereof to attend at the next term for the purposes aforesaid. And it shall be the duty of the clerk of such county certifying such recommendation or recommendations, to certify therewith a copy of the previous order of such court, if any shall have been made, and if no such order shall have been made, he shall certify the names of the justices present where such recommendation shall have been made, as also of all the justices of such county. 1805. Duties of the clerk.

2. *And be it further enacted*, That whenever a vacancy shall hereafter happen in the office of clerk of a county or corporation court, it shall not be lawful for the said court to supply such vacancy, unless a majority of the members of such court shall be present, or unless the members of such court shall have been summoned by order of the said court to attend at the next court for the purpose aforesaid. And such court is hereby authorised to appoint a clerk pro tempore, where it shall be necessary, for the special purpose of making such order and issuing such summons. Majority required when clerk to be appointed. [See Const. V. art. 15, also Rev. Code, vol. 1, ch. 70, pa. 94.]

3. This act shall be in force from the first day of June next. Commencement.

CHAP. LXIX.

*An Act to amend the several Laws concerning Slaves.**

[Passed January 25, 1806.]

1. BE *it enacted by the General Assembly*, That if any slave or slaves shall hereafter be brought into this commonwealth, Slaves bro't into this state may be sold, &c.

* See Revised Code, vol. 1, ch. 103, pa. 186, an act to reduce into one the several acts concerning slaves, free negroes and mulattoes—ch. 163, pa. 315, free negroes and mulattoes in towns to be registered; and those in the counties to have their certificates registered—ch. 164, pa. 316, to prevent free negroes and mulattoes from migrating into, and slaves being brought into this state—ch. 189, pa. 346, mode of suing for freedom; widows dower in slaves emancipated by will; forging certificates of freedom—ch. 206, pa. 364, authorising citizens carrying slaves out of this state to bring them back—ch. 222, pa. 374, free persons conspiring with slaves to rebel or make insurrection, or plotting the murder of any person; harboring slaves; members of abolition societies not to serve as jurors in suits for freedom; such suits to be tried at the next term; how slaves identified who escape after sentence and before the day of execution; free negroes and mulattoes granting their registers to slaves; masters of vessels transporting slaves out of the state—ch. 244, pa. 387, stealing slaves not from possession of owner or overseer—ch. 274, pa. 407, slaves condemned to die may be sold by executive for transportation; to suffer death if they return; testimony for and against to be sent with the proceedings to the executive—ch. 283, pa. 412, suffering slaves to hire themselves out; negroes and mulattoes bond or free witnesses for and against each other; Executive to transport slaves unlawfully brought into this state; list of free negroes and mulattoes annually to be returned to court by commissioners of revenue; proceedings against them removing into another county—ch. 288, pa. 421, condemned slaves transported, when to be paid for—ch. 305, pa. 432, additional penalty on masters of vessels permitting slaves to come on board, or dealing with them without leave—also on any person for dealing with them on a Sabbath. Ante ch. 14, free negroes and mulattoes in counties to be registered—ch. 33, slaves held in dower or for life to be registered—ch. 35, further declaring what shall be deemed unlawful meetings of slaves—ch. 47, the last mentioned act explained—ch. 51, act for registering slaves amended—ch. 60, penalty for carrying slaves off; additional penalty on masters of vessels permitting slaves to come on board, or dealing with them without leave; black or mulatto orphan not to be taught reading, writing or arithmetic—Post. ch. 83, free negroes and mulattoes not to keep arms, &c. unless by license from their court.

1805. and shall either be kept therein one whole year, or so long at different times as shall amount to one year, or shall be sold or hired within this commonwealth, in every such case, the owner shall forfeit all right to such slave or slaves, which right shall absolutely vest in the overseers of the poor of any county or corporation, who shall apprehend, or shall attempt to apprehend such forfeited slave or slaves within their jurisdiction, in trust for the benefit of the poor of such county or corporation. *(a)*

Duty of magistrate on complaint made.

2. Upon complaint made by the overseers of the poor or any one of them to a magistrate of the county or corporation where any such slave may be, he shall issue his warrant, directed to any officer of the county or corporation, commanding him to bring such slave before him or some other magistrate thereof, and moreover to summon the owner or holder, if he be found in the county or corporation, to appear in like manner and answer the same.

3. The magistrate before whom any such slave may be brought, shall, upon enquiry into the facts, either dismiss the prosecution, or require the owner or holder, if he shall appear, to enter into a recognizance with security, payable to the governor of the commonwealth and his successors, in a penalty equal to double the value of each slave, with a condition to appear at the next court which may be held for the county or corporation, be the same monthly or quarterly, and abide by and perform the order of such court; which recognizance, together with the warrant, shall be forthwith returned by him to the clerk of the court.

4. If the owner or holder shall not be in the county or corporation, shall fail to appear, having been summoned, or shall be unable, or refuse to give security as aforesaid, in either case, the magistrate before whom any such slave may be brought, shall cause the said slave to be delivered to the sheriff of the county, or sergeant of the corporation, to be by him safely kept, so that such slave be brought before the next court which may be held therein.

Jury to be impannelled.

5. Upon the appearance of the party in discharge of his recognizance, or if he shall fail to appear in discharge thereof, the court to which he was bound to appear, shall immediately cause a jury to be impannelled, to try the facts without the formality of pleading, unless good cause be shewn for a continuance; and if the jury shall find that the said slave or slaves were brought into this commonwealth, and have remained therein, contrary to the provisions of this act, the court shall make an order, directing him, her, or them to be delivered to the overseers of the poor, to be by them sold for cash and applied as herein directed.

Slave to be sold.

Proceedings where owner is not in the county.

6. If the owner or holder of such slave or slaves be not within the county or corporation, or shall not have been summoned as aforesaid, the court shall make an order requiring the owner or holder to appear at some court day, to be specified in such order, to defend his right; which order shall be published at the front door of the courthouse of the county or corporation for two successive court days, and inserted in some newspaper printed in this state, four times successively. The court to which the owner or holder

(a) Certain cases not to be affected by the operation of this act, see post, chap. 99.

1805.

is directed to appear as aforesaid, shall proceed to impannel a jury in like manner, and make a like order for a delivery to, and sale by the overseers of the poor, as if the owner or holder had regularly appeared.

Appropriation of proceeds of such sale.

7. The nett proceeds of such sale, in either case, after deducting ten per centum as an allowance to such of the overseers of the poor as have commenced the prosecution, and the legal costs attending the same, shall go towards lessening the poor rates of such county or corporation.

Penalty on persons bringing slaves, &c.

8. Every person hereafter bringing into this commonwealth, any slave or slaves, contrary to this act, shall forfeit and pay the sum of four hundred dollars for every slave so brought in; and every person selling, buying, or hiring any such slave or slaves, knowing the same to have been brought in contrary to the provisions of this act, shall forfeit and pay the sum of four hundred dollars, for every slave so bought, sold, or hired; which forfeitures shall accrue to the use of the commonwealth, to be recovered by action of debt or information, in which the defendant shall be held to special bail; judgment shall be rendered without regard to any exception for want of form, and an attorney's fee of twenty dollars shall be taxed in the bill of costs.

Such slave not to be paid for if executed.

9. Any slave who hath been, or hereafter shall be brought into this state contrary to law, or who shall be passing through the state by land or water, and shall commit a capital crime, and be tried and executed therefor, within this commonwealth, shall not be valued by the court condemning him or her, nor paid for out of the public treasury. Nor shall any slave be paid for who shall be convicted and executed for the commission of a crime, in the perpetration of which the owner shall be either a principal or accessary, and be thereof convicted.

Emancipated slaves forfeit freedom by remaining twelve months.

10. *And be it further enacted*, That if any slave hereafter emancipated, shall remain within this commonwealth more than twelve months after his or her right to freedom shall have accrued, he or she shall forfeit all such right, and may be apprehended and sold by the overseers of the poor of any county or corporation, in which he or she shall be found, for the benefit of the poor of such county or corporation.

Overseer of the poor to take an oath.

11. Every overseer of the poor within this commonwealth, shall, in addition to the oaths prescribed by law, take the following: "I, A. B. do swear, that I will faithfully enforce the laws to prevent the importation of slaves."

If cast in prosecution to pay costs out of levy.

12. If, in any action or prosecution by the overseers of the poor in virtue of this act, they shall be cast, they shall not be liable for costs; but the same shall be defrayed out of the levy laid by them.

Power of executive in certain cases remains.

13. Nothing in this act shall be construed, so as to abridge the power of the executive, to remove slaves brought into this state, conferred by the fourth section of an act passed on the twenty-first day of January, one thousand eight hundred and one, entituled, "An act to amend the act, entituled an act, to reduce into one the several acts concerning slaves, free negroes and mulattoes;" or so as to repeal an act, entituled, "An act, authorising the removal of

1805. slaves from the county of Alexandria, in the District of Columbia."

Repealing clause

14. All acts and parts of acts, contrary to the meaning and intent of this act, shall be and the same hereby are repealed.

This act to be given in charge to grand juries.

15. This act shall be given in charge to every grand jury within this commonwealth.

Commencement.

16. This act shall commence and be in force from and after the first day of May next.

CHAP. LXX.

*An Act to amend the Act, entituled, an Act, "Directing the Method of Proceeding in Courts of Equity against absent Debtors, and other absent Defendants; and for Settling the Proceedings on Attachments against absconding Debtors."**

[Passed January 25, 1806.]

Creditor suspecting his debtor about to remove may attach, &c.

1. BE *it enacted by the General Assembly*, That whenever any creditor whose claim amounts to ten dollars, or four hundred pounds of tobacco, shall have sufficient grounds to suspect that his debtor will remove with his effects out of this commonwealth, before his debt will be payable, or whenever such debtor shall have so removed, leaving effects, it shall be lawful for such creditor to go before any magistrate of the county or corporation where his debtor resides, or in case such debtor has so removed, where he last resided, or where his effects may be found, and make oath to the true amount of his debt, and the time when it will be payable, and that he has just cause to suspect and verily believes that such debtor will remove himself, with his effects, out of the commonwealth, before the said debt will become payable, or hath actually so removed; and also that he had no knowledge, when the said debt was contracted, of the intention of such debtor so to remove; and thereupon, such magistrate, taking bond and security from the creditor, as in other cases of attachments, shall issue an attachment against the goods and chattels of the debtor, returnable to the next court to be holden for such county or corporation; which attachment may be served on any goods and chattels of such debtor, or on any garnishee or garnishees. If such debtor shall not, on or before the return of such attachment, enter into bond with sufficient security for the payment of the said debt, when it will become due, the court, on due proof of the justice thereof, and of the intention of the debtor to remove, or of his having actually removed out of this commonwealth, shall grant judgment as in other cases of attachments: but execution shall be stayed against any garnishee, who shall state that he is indebted, or will, at a future day be indebted to the defendant, until the claim of the plaintiff or such garnishee's debt to the defendant shall become due; and the goods condemned shall be sold on a credit until the time when the plaintiff's claim shall be payable. The sheriff or other officer selling such goods, shall take a bond or bonds, with good security, from the purchaser or purchasers, and assign the same to the plaintiff to the amount of his debt, interest and costs; and where the property sold shall amount to more than the debt, interest and costs, shall take a bond with good security for the surplus, and assign the same to the de-

* See Revised Code, vol. 1, ch. 78, pa. 114.

1805.

fendant: *Provided always*, That not more of the goods attached shall be sold than shall be necessary to satisfy the debt, interest and costs, except in cases where the property sold cannot be divided. In such cases, the sheriff or other officer shall be entitled to commissions only on the amount of the plaintiff's demand; which commissions shall be included in the bond or bonds assigned to such plaintiff, who shall be liable therefor as for commissions included in a forthcoming bond taken by virtue of an execution: *Provided also*, That all such attachments shall be repleviable in the same manner as other attachments are by law repleviable. Where any such debt shall be less than ten dollars, or four hundred pounds of tobacco, an attachment may be obtained as aforesaid, returnable before any magistrate of the county or corporation, who shall and may grant judgment thereupon, and direct the goods condemned by him to be sold in manner aforesaid, or execution to be stayed as aforesaid against any garnishee or garnishees.

Jury to try fact of garnishee's having property, &c. of debtor, when denied, if doubted.

2. *And be it further enacted*, That whenever the plaintiff in any attachment shall alledge that any garnishee summoned in such attachment, hath not discovered the true amount of debts due from him to the defendant, or what goods and chattels belonging to the defendant are in his possession, the court shall direct, without the formality of pleading a jury to be impannelled immediately (unless good cause be shewn by either party for a continuance) to enquire what is the true amount due from such garnishee to the defendant, and what goods and chattels are in his possession belonging to the defendant. If the finding of the jury shall be against such garnishee, the court shall grant judgment in the same manner as if the facts found by the jury had been confessed by him on his examination; and if the jury find in his favor, he shall recover his costs against the plaintiff.

Jury to be impannelled to try right, &c.

3. *And be it further enacted*, That whenever the goods and chattels taken by virtue of any attachment, shall be claimed by any person other than such debtor, the court shall immediately (unless good cause be shewn by either party for a continuance) direct a jury to be impannelled to enquire into the right of property; and in all cases where the jury find for the claimant, such claimant shall be entitled to his costs; and where the jury find for the plaintiff in the attachment, such plaintiff shall recover his costs against the claimant.

Third person may interplead, &c.

4. *And be it further enacted*, That in all cases of attachments, the defendant shall be admitted to make defence, and any other person claiming the property attached, may interplead, without giving bail: *Provided*, That the property attached shall not thereby be replevied.

Commencement.

5. This act shall commence and be in force, from and after the passing thereof.

CHAP. LXXI.

*An Act concerning Jurors in certain cases.**

[Passed January 25, 1806.]

Jurors summoned on inquests, subject to fine

1. BE *it enacted by the General Assembly*, That where by law the sheriff or other officer is directed to summon a jury to take

* See Revised Code, vol. 1, ch. 73, pa. 99.

1805. any inquest, if the person or persons so summoned, shall fail to attend, it shall be the duty of the sheriff or other officer to return to the next court of his county, corporation, or to the next district court of his district, if the process under which such jury was summoned issued from the district court, the name or names of the person or persons so failing to attend; whereupon it shall be lawful for the said county, corporation, or district court, to which such return may be made, to fine such person or persons in a sum not exceeding eight dollars, unless at or before the next county, corporation, or district court after such return made, such person or persons shall appear and shew good cause to the contrary.

for non-attendance.

Commencement. 2. This act shall commence and be in force from the first day of June next.

CHAP. LXXII.

*An Act to amend the Act, entituled, "An Act, reducing into one all Acts and parts of Acts concerning Suits brought for Sterling Money, and for ascertaining the Rate of Exchange and Damages on Protested Bills of Exchange."**

[Passed January 25, 1806.]

Proceedings on protested bills of exchange. 1. BE *it enacted by the General Assembly*, That it shall be lawful for any person or persons having a right to demand any sum of money upon a protested bill of exchange, to commence and prosecute an action of debt for principal, damages, interest and charges of protest, against the drawers and indorsers jointly, or against either of them separately, and judgment shall or may be given for such principal, damages and charges, and interest on such principal, after the rate of six per centum per annum from the date of the protest, until such judgment shall be fully satisfied.

Repealing clause. 2. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Commencement. 3. This act shall commence and be in force from and after the passing thereof.

CHAP. LXXIII.

An Act to amend the several Acts concerning the Inspection of Tobacco.†

[Passed January 28, 1806.]

Preamble. WHEREAS, the several acts of assembly concerning the inspection of tobacco have been found to be defective, and it is necessary that the same should be amended:

Duties of inspectors as to transfer tobacco. 1. *BE it therefore enacted by the General Assembly*, That it shall be the duty of the inspectors of tobacco at the several warehouses within this commonwealth, to inspect and examine all the transfer tobacco at their several warehouses, after it shall be picked and before it shall be weighed and to make every hogshead thereof to weigh twelve hundred and fifty pounds nett, at the least.

Inspectors, pickers and coopers prohibited from 2. Inspectors, pickers and coopers of tobacco, shall not be concerned directly nor indirectly, in the transportation of tobacco by

* See Rev. Code, vol. 1, ch. 77, sec. 3, pa. 113.

† See ante ch. 37, and the note subjoined.

1805.

ter, from their respective warehouses, under the penalty of one hundred dollars for every hogshead so transported; nor shall they, in any manner, for themselves or for any other person, purchase, sell, stem, manufacture, barter, lend, or exchange, any tobacco inspected at their said warehouses, under the penalty of ten dollars, for every hundred pounds of tobacco so purchased, sold, stemmed, manufactured, bartered, lent, or exchanged.

transporting, &c. tobacco.

3. Every inspector shall stow away and secure at night, every hogshead of tobacco by him inspected during the day, under the penalty of ten dollars for every hogshead he shall fail or neglect to stow away and secure; and shall moreover be liable to the action of the proprietor of such tobacco, for all damages accruing thereto by his negligence.

Inspectors to stow away at night tobacco inspected in the day.

4. *And be it further enacted*, That it shall be the duty of the inspectors to prize and cooper up all refused tobacco which the owner shall not choose to have picked, to weigh the same, and mark the gross weight on each cask, and take care of and deliver the same to the owner, or to his order, for which the said inspectors may demand and receive fifty cents for every hogshead so delivered. And for the prevention of frauds, the inspectors shall grant a manifest for every hogshead of tobacco so delivered; and if any person shall sell refused tobacco, or manufacture the same without such manifest, he shall forfeit and pay the sum of one hundred dollars, for each hogshead so sold or manufactured: But it may be lawful for any person, having a hogshead of tobacco refused, to carry the same, with the manifest, to any other warehouse, and the inspectors on viewing the tobacco, if they esteem it of good quality, first destroying the manifest, may grant a receipt as is now directed by law for the same, or shall grant another manifest, for which fifty cents shall be paid, expressing the review, and that it was the second time refused; after which the person shall not be permited to carry the tobacco to any other warehouse for reinspection, but may either have the same picked, or sell it as by this law directed.

Additional duties of inspectors.

5. The duty of the commissioners appointed under the first section of the act, entituled, "An act concerning the inspection of tobacco," passed on the twenty-sixth day of December, one thousand seven hundred and ninety-six, shall not be construed to extend to any repairs or additions to be made to their several warehouses, but they shall, from time to time, report to their several county courts, the condition of the warehouses under their charge, and the quantity of tobacco they are capable of containing; and thereupon such court shall take such steps, and make such orders in relation thereto, as they might or could have taken or made previous to the passage of the said act: *Provided nevertheless*, That it shall still continue to be the duty of the said commissioners, to provide at the said warehouses such conveniences, as by the laws now in force are to be provided at the public expense, and to have the same repaired when it shall be necessary. And whereas, the appointment of commissioners is directed by the last mentioned act to be made by the several county courts, in the months of August or September only, in every year, which duty it has been represented, the said courts have sometimes failed to perform in those months, and doubts have arisen whether they are authorised to make such appointments at any other court thereafter holden:

Duty of commissioners.

Proviso.

1805.

When commissioners may be appointed.

6. *Be it enacted*, That in case any county court shall fail hereafter to make such appointment at the time directed by law, it shall be lawful for such court to proceed to make the same at any other court thereafter, between the month of September and the month of April next ensuing, any law to the contrary notwithstanding.

Penalties under this act, how recoverable.

7. The penalties accruing under this act, shall be recoverable by an action of debt, or by petition or warrant, before any justice of the peace of the county or corporation where the offence shall have been committed, according to the amount thereof, the one half to the use of any person who will prosecute for the same, and the other to the use of the commonwealth.

Public printer to furnish one copy of laws concerning the inspection of tobacco, to inspectors.

The public printer shall furnish, hereafter, one copy of all the acts, now in force, concerning the inspection of tobacco, to the inspectors at the several warehouses established by law, and shall in like manner, furnish the said inspectors with one copy of any law hereafter to be made, amending the laws concerning the inspection of tobacco; which copies shall be forwarded to the several counties in which such inspections shall be situated with the acts of the general assembly.

Repealing clause. Proviso.

8. So much of all acts or parts of acts, as contravenes the operation of this act, shall be, and the same are hereby repealed. *Provided always*, That nothing in this act shall be construed to affect any rights, remedies, fines, forfeitures, penalties, or amercements, which have accrued, been vested, or incurred, prior to the commencement of this act.

Commencement.

9. This act shall commence and be in force from and after the first day of June next.

CHAP. LXXIV.

*An Act to amend the Act, entituled, "An Act to Class the Counties, and for other purposes."**

[Passed January 30, 1806.]

Counties of Stafford, Isle of Wight & Goochland placed in second class.

1. BE *it enacted by the General Assembly*, That the counties of Stafford, Isle of Wight and Goochland, shall be placed in the second class, and be thereby entitled to two commissioners each.

Courts to appoint two commissioners of revenue.

2. *And be it further enacted*, That the courts of the said counties, Stafford, Isle of Wight and Goochland, shall proceed to the appointment of the commissioners as aforesaid, as soon as may be convenient.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. LXXV.

An Act giving further Powers to the Overseers of the Poor in certain cases.†

[Passed January 30, 1806.]

Preamble.

WHEREAS, it has been represented to the general assembly, that in many counties within this commonwealth, there are no ves-

* See ante chap. 56.

† See Rev. Code, vol. 1, chap. 102, pa. 180—chap. 227, pa. 377,

1805.

this at present, and that certain donations have been heretofore made for charitable purposes, subject to the direction and management of vestries:

Duty of overseers of poor in cases where there are no vestries in counties.

1. *Be it therefore enacted*, That in all cases where such donations have been made, to be controuled or managed by the vestry, and where such vestry shall have ceased to exist, it shall and may be lawful for the overseers of the poor, and they are hereby fully authorised and empowered within their respective parishes and counties where such necessity shall occur, to exercise all and singular the powers and duties respecting the said donations, in as full and ample a manner as the same might or could have been exercised by the said vestries did they exist, any law, custom, or usage to the contrary notwithstanding.

Their powers.

2. *And be it further enacted*, That the said overseers and their successors, shall have full power and authority to collect, sue for and recover all such sums of money, tobacco, or other thing, so as aforesaid given, and to apply them in such manner as may have been directed by the donor or donors.

To lay before their county courts an account of proceedings under this act, once a year.

3. *And be it further enacted*, That it shall be the duty of the said overseers, at least once in each year, and oftener if required, to lay before the court of their respective counties, a full and fair account of their proceedings under this act; and if they shall fail so to do, or at any time shall fail to apply the money as directed for the space of six months, they and each of them so offending, shall be subject to the penalty of one hundred dollars for each offence, and the overseer or overseers in whose hands the said money may be, shall moreover be subject to pay an interest not exceeding five per cent. per month on the whole amount so retained for the time the same shall have remained in his or their hands; which penalties shall be recoverable by suit or information in any court of record within this commonwealth, one half to the use of the informer, and the other to be applied under the direction of the court towards effecting the object of the donation. And the said overseers shall be allowed for the services by them to be performed under this act, six per cent. on all sums received and applied by them as aforesaid: *Provided*, That this act and nothing herein contained shall be so construed as in any manner to affect or repeal the act, entituled, "An act concerning the glebe lands and churches within this commonwealth."

Certain persons who may not be provided for by overseers of poor.

4. *And be it further enacted*, That the overseers of the poor of the counties, and the courts of the several corporations, may in future refuse to provide for such poor, lame and blind persons, or other inhabitants within their respective counties or corporations, not able to maintain themselves, as shall have migrated into this state from either of the United States, or the territories thereof, within three years next before the time when such person shall make application to be put on the poor list of such county or corporation, unless it shall appear to the satisfaction of the overseers of the poor of the county, or the court of the corporation, to whom such application shall be made, that such person, at the time of his or her migration into this state, was able to maintain himself or herself, and not in a condition to become chargeable to such county or corporation.

Commencement.

7. This act shall commence and be in force from and after the passing thereof.

1805.

CHAP. LXXVI.

*An Act more effectually to enforce the Payment of certain Fines in to the Public Treasury.**

[Passed January 30, 1806.]

Manner of proceeding on certain fines, &c.

1. BE *it enacted by the General Assembly*, That whenever any fine, forfeiture, penalty or amercement, shall be imposed or adjudged by any court, the whole or any part whereof shall be to the use of the commonwealth, the clerk of such court shall, immediately after the term at which such fine, forfeiture, penalty, or amercement was imposed or adjudged, issue a writ of fieri facias, or capias ad satisfaciendum against the defendant or delinquent, for the amount thereof, which execution shall be directed, levied and accounted for, and the sheriff or other officer in whose hands it may be placed, shall be liable to the same penalties for neglect of duty as are prescribed by law in other cases of executions on behalf of the commonwealth. And for the more effectual collection and payment of the said fines, forfeitures, penalties and amercements, it shall be the duty of every clerk, issuing an execution as aforesaid, to obtain from the sheriff or other officer to whom it is directed a receipt therefor, a copy of which receipt, together with a copy of the execution and of the judgment on which it was founded, certified by the said clerk, shall be transmitted by him to the auditor of public accounts, within sixty days after the date of the said receipt; and such certified copies shall be evidence on any motion made against the said sheriff, on account of the said execution; for which services the clerk shall be allowed one dollar, to be paid out of the public treasury. And if any clerk shall fail to transmit any of the aforesaid papers, within the time aforesaid, he shall forfeit and pay fifty dollars, to the use of the commonwealth, to be recovered by action of debt or information, in any court of record.

Penalties on officer for neglect of duty.

Clerk to take receipt for execution, &c. and transmit same to auditor.

Duty of Auditor.

2. The auditor of public accounts shall, immediately on receiving from any clerk, the receipt of the sheriff or other officer as aforesaid, debit the said sheriff or officer with the amount thereof in his account of the revenue for that year; and if the said sheriff or officer shall fail to pay the same at the time the public taxes are payable, after an allowance for insolvencies, to be made by the court of his county or corporation, such sheriff or other officer shall be subject to the same proceedings against them for default, as are or shall be directed in cases of public taxes. *Provided*, That no sheriff or other officer shall be liable for the amount of any execution directed by this act, which shall not be returnable before the public taxes are due and payable by him into the treasury, until the revenue of the next succeeding year becomes due, at which time he shall pay the amount collected by virtue of such execution as before directed.

Proviso.

3. And whereas, it hath been represented, that considerable sums of money, arising from fines, forfeitures, penalties and amercements, imposed and adjudged for the use of the commonwealth, remain in the hands of the sheriffs and others, who have failed to pay the same into the public treasury:

* See Rev. Code, vol. 1, ch. 65, sec. 17, pa. 71—ch. 66, sec. 63, pa. 83—ch. 67, sec. 74, pa. 93—ante ch. 4—ante ch. 24, sec. 3, clerks to certify amount of proceeds of sales of property of persons taking oath of insolvency at suit of commonwealth, and sheriffs to account as for other fines.

1805.

4. *Be it therefore enacted*, That the clerks of the several courts within this commonwealth, in which any fine, penalty, forfeiture or amercement, may have been imposed or adjudged to the use of the commonwealth, shall, within three months after the commencement of this act, transmit to the auditor of public accounts, correct lists of all writs of capias pro fine, or other writs of execution that have issued from their respective offices, on judgments rendered, since the first day of January, one thousand seven hundred and ninety-six, for any fine, penalty, forfeiture or amercement, appropriated by law, either in part or the whole, to the use of the commonwealth, together with their amount severally, the officer's name to whom delivered, and the return of such officer, if any be made. Every clerk, failing to transmit such list, shall forfeit the sum of fifty dollars, to be recovered by motion in the general court, by the auditor of public accounts, for the use of the the commonwealth, on ten days previous notice.

Duties of clerks where such fines, &c. are now due.

5. *And be it further enacted*, That it shall be the duty of the auditor of public accounts, on receiving such list, to proceed against such sheriff or other officer, from whose return it shall appear that he has collected any fine, penalty, forfeiture or amercement, or part thereof, by motion in the general court, on ten days previous notice, for the amount so collected, on which motion, the list certified by the clerk shall be admissible evidence.

Duty of auditor.

6. *And be it further enacted*, That it shall be the duty of the clerk of every court, in which any such fine, penalty, forfeiture or amercement has been imposed or adjudged, to furnish the attorney, prosecuting on behalf of the commonwealth in such court, with a list of all writs of capias pro fine, or other writs of execution, issued since the said first day of January, one thousand seven hundred and ninety-six, and which were delivered to any sheriff or other officer, and not returned. And it shall be the duty of such attorney, to proceed by motion in such court, against such sheriff or other officer, for failing to return such process: And such sheriff or other officer, having ten days previous notice, shall be liable to the same recovery for the use of the commonwealth, as is provided by law for failing to return other executions on behalf of the commonwealth. And on any such process being afterwards returned satisfied, in whole or in part, it shall be the duty of the clerk to certify such return to the auditor, who shall proceed to recover the same as herein before directed.

Clerks to deliver list of executions since 1796 to attorney prosecuting for commonwealth.

7. *And be it further enacted*, That it shall not be lawful for any court within this commonwealth to remit any fine, penalty, forfeiture or amercement, except fines imposed for contempts committed against any court, in which case the court shall have power to remit such fine, or any part thereof, for good cause shewn during the term at which the same shall be adjudged: *Provided*, That nothing herein contained shall extend to cases, where by law time is given the party to shew cause, nor to cases where express power is given to the courts to remit such fines, forfeitures, penalties or amercements, by the respective acts imposing the same. *Provided always*, That nothing in this act contained shall be construed to extend to such fines, forfeitures, penalties or amercements, as are now directed by law to be applied towards lessening the county le-

Power of courts as to remitting fines, &c.

Proviso.

Proviso.

1805. vy, or which may be otherwise specially appropriated by any act of the general assembly.

Commencement. 8. This act shall commence and be in force from and after the first day of June next.

CHAP. LXXVII.

*An Act to Repeal part of the several Acts allowing Rewards for Killing Wolves.**

[Passed January 31, 1806.]

Law giving reward by country for killing wolves repealed. 1. BE *it enacted by the General Assembly*, That all and every act and acts heretofore made, giving a reward for killing wolves, shall be, and the same are hereby repealed, so far as they may prescribe that the rewards paid by the county, shall be re-paid by the public.

As to county of Russell. 2. *And be it further enacted*, That all acts and parts of acts allowing a reward for killing wolves, so far as the same respects the county of Russell, be, and the same are hereby repealed.

Commencement. 3. This act shall commence and be in force from the passing thereof.

CHAP. LXXVIII.

An Act concerning the Auditor.†

[Passed February 1, 1806.]

Executive may grant auditor leave to be absent from Richmond. 1. BE *it enacted by the General Assembly*, That the executive shall be authorised to grant leave of absence to the auditor, from the city of Richmond, whensoever such permission will not be incompatible with the public interests; and during the absence of the auditor, the chief clerk shall discharge the duties of the office, in like manner as by law he is authorised to perform such duties in case of the sickness of the auditor.

Commencement. 2. This act shall be in force from and after the passing thereof.

CHAP. LXXIX.

An Act giving further time to the Proprietors of certain Lands, forfeited for the non-payment of Taxes, to Redeem the same.‡

[Passed February 1, 1806.]

Further time to redeem lands forfeited for non-payment of taxes. 1. BE *it enacted by the General Assembly*, That the proprietors of lands forfeited to, and vested in the commonwealth, by the non-payment of taxes, agreeably to the act, entituled, "An act more effectually to provide for the payment of taxes upon lands within this commonwealth," may redeem the same by paying into the treasury of this commonwealth, on or before the first day of

* See sess. acts of 1798, ch. 34, sec. 3, pa. 17.

† See Revised Code, vol. 1, ch. 85, pa. 139—ante ch. 38, auditor chosen annually.

‡ Ante ch. 20—see also post. ch. 109, by which it is provided, that lands forfeited shall not be liable to location, but may be redeemed by the former owner, within 3 years, by paying the principal sum due for taxes, and interest, at the rate therein specified.

March, in the year eighteen hundred and seven, all arrears of taxes due thereon, 1805.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXXX.

*An Act to amend the several Laws concerning the High Courts of Chancery.**

[Passed February 1, 1806.]

1. BE *it enacted by the General Assembly*, That all causes now depending or which hereafter may be depending in the chancery district court of Williamsburg or Staunton, in which the judge of such court is, or may be interested, shall be transmitted to the chancery district court of Richmond. The court, by an order to be entered of record, shall, at the next term, direct the clerk to send the original papers in such suits to the Richmond chancery district court, with copies of all orders and interlocutory decrees made therein, and with a statement of the costs. The chancery district court of Richmond is hereby authorised and empowered, to proceed in, and to decide the causes thus transmitted, in the same manner as if they had been originally instituted therein. And causes which are now or hereafter may be depending in the chancery district court of Richmond, and in which the judge of that court may be interested, shall be transmitted in manner aforesaid, to the chancery district court of Williamsburg, to be there proceeded in, and decided in the same manner as if they had been originally instituted in that court. Manner of proceeding in chancery district courts, where the chancellors are interested in a cause.

2. *And be it further enacted*, That pending any vacancy which may hereafter be occasioned by the death, resignation, or removal of any judge of the Richmond, Staunton, or Williamsburg chancery district courts, the judge of the chancery district court nearest to the district where such vacancy shall happen, is hereby authorised and required to grant injunctions and writs of ne exeat, in the same manner as if the cause of any such application had originated in his own district. Manner of proceeding in certain cases during a vacancy in the office of judge of said courts.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXXXI.

An Act authorising the Superintendant of the Manufactory of Arms to receive Apprentices on behalf of the State.†

[Passed February 3, 1806.]

1. BE *it enacted by the General Assembly*, That the superintendant of the manufactory of arms in this commonwealth, shall be, and he is hereby authorised to receive apprentices, not exceeding forty, to learn the art of making arms, upon the same terms that apprentices are usually received by mechanics within this state: *Provided*, That no apprentice shall be bound to the said su- Superintendant of manufactory of arms may take apprentices.

* See Revised Code, vol. 1, ch. 64, pa. 63—ch. 297, pa. 426—ch. 298, pa. 428—ante ch. 29.

† See acts of 1797, ch. 18, pa. 12.

1805. perintendant for a time less than five years, nor more than eight years.

County courts may bind orphans to superintendant.

2. *And be it further enacted*, That the county courts within this commonwealth, may, whenever they think proper, direct the overseers of the poor to bind the poor infants within their respective counties, to the superintendant of the manufactory of arms; and in such cases as well as in all others within the meaning of this act, the said superintendant, if required, shall enter into bond as agent of the state, for a compliance with such contract on his part.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. LXXXII.

*An Act to amend an Act, entituled, "An Act reducing into one the several Acts concerning the Establishment, Jurisdiction and Powers of District Courts."**

[Passed February 3, 1806.]

Preamble.

WHEREAS, doubts have arisen, whether it is lawful for a judge of the general court to sit as a judge of any district court, unless he had been allotted thereto by the general court:

Judge of general court hereafter appointed, to attend courts allotted to his predecessor.

BE it therefore enacted by the General Assembly, That any judge of the general court hereafter appointed, shall attend such district courts as have been allotted to the person in whose stead he shall be appointed; or, shall it so happen, that during the sitting of the general court, there shall be a vacancy, they shall allot such judges as are in office to such courts as they may deem proper; and whenever the vacancy is filled, the person or persons appointed, shall attend the district courts that were not filled by the allotment.

2. *And be it further enacted*, That it shall be lawful for Hugh Holmes, Esquire, to attend such district courts as were allotted to Creed Taylor, Esquire, by the last general court.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. LXXXIII.

An Act, concerning Free Negroes and Mulattoes.†

[Passed February 4, 1806.]

Free negro or mulatto prohibited use of arms, &c. without license from court.

1. BE *it enacted by the General Assembly*, That no free negro or mulatto shall be suffered to keep or carry any firelock of any kind, any military weapon, or any powder or lead, without first obtaining a license from the court of the county or corporation in which he resides, which license may at any time be withdrawn by an order of such court. Any free negro or mulatto who shall so offend, shall, on conviction before a justice of the peace, forfeit all such arms and ammunition to the use of the informer.

Duty of constables.

2. It shall be the duty of every constable to give information a-

* See Revised Code, vol. 1, ch. 66, pa. 72—ch. 192, pa. 348—post. ch. 108.

† See ante ch. 60, and notes subjoined.

gainst, and prosecute every free negro or mulatto who shall keep or carry any arms or ammunition contrary to this act. 1805.

3. If any free negro or mulatto who shall have been convicted of keeping or carrying arms or ammunition, shall a second time offend in like manner, he shall, in addition to the forfeiture aforesaid, be punished with stripes, at the discretion of the justice, not exceeding thirty-nine. Penalty for breach.

4. This act shall commence and be in force from and after the first day of June next. Commencement.

CHAP. LXXXIV.

*An Act further to amend the several Acts concerning the Militia of this Commonwealth.**

[Passed February 4, 1806.]

1. BE *it enacted by the General Assembly*, That it shall be the duty of each officer commanding a company of militia in this commonwealth, to cause all the public arms heretofore distributed in his company, to be produced to the major or commandant of the battalion to which he shall belong, at the battalion muster in May next; and it shall be the duty of such major or commandant to cause such arms, with those hereafter issued, to be distributed to companies, so that one company may be completely armed, before any arms shall be distributed to any other company, and so continuing to arm by companies until the whole shall be armed. And where there is a light or flank company attached to any battalion, the number whereof is complete, such company shall be first armed; and where there shall be more than one such company, the major, or commandant, shall determine by lot which of such companies shall be first armed; and where there shall be no light or flank company attached to the battalion, the major or commandant shall determine by lot which company in the battalion shall be first armed. Public arms heretofore distributed to be called in. Militia to be armed by companies. Light or flank companies to be first armed.

2. *And be it further enacted*, That each non-commissioned officer and private armed as aforesaid, who shall fail to appear on parade, on the days appointed for holding their respective musters, with his arms and accoutrements in complete order, shall be fined in a sum not less than seventy-five cents, nor more than two dollars, to be assessed by the court of enquiry, who, in assessing the fine, shall have regard to the degree of the delinquency, and the ability of the delinquent to pay. Fine for not attending muster, &c.

3. *And be it further enacted*, That each non-commissioned officer or private who shall refuse or neglect to receive any arms or accoutrements, when offered to him, or to give a receipt for the same, except such refusal be made by a quaker or menonist, shall be fined in a sum not exceeding ten dollars, to be assessed by the battalion court of enquiry, to be collected and accounted for as other militia fines; and for failing to deliver such arms and accoutrements when required by the officer commanding the company, he shall forfeit and pay the sum of twenty dollars, to be assessed as aforesaid. And where any non-commissioned officer or private shall remove out of the limits of his company dis- Fine for refusing to receive arms, &c. [☞ See post. ch. 110, 112, further regulations concerning the distribution of public arms.]

* *See ante* ch. 36, and the notes subjoined.

1805. trict, without delivering to some commissioned officer of the company in which he stood enrolled, all arms and accoutrements in his possession belonging to the public, he shall forfeit and pay the sum of twenty dollars, to be recovered by warrant or attachment, before any justice of the peace, for the use of the commonwealth.

Duty of officers commanding companies.

Duties of field officers.

4. *And be it further enacted*, That it shall be the duty of officers commanding companies, to carry the foregoing regulations into effect, so far as relates to their respective companies, and the preservation of their arms; and that it shall be the duty of the officers commanding battalions, to attend the musters of the several companies, armed as aforesaid, at least once in every year, for the purpose of reviewing such companies, and inspecting their arms. And it shall be the duty of the commandants of regiments, in like manner, to attend each battalion muster in his regiment, for the purpose of reviewing the same and inspecting their arms.

Penalties on officers.

5. *And be it further enacted*, That if any officer commanding a company, shall fail to comply with the duties prescribed by this act, he shall forfeit and pay twenty dollars. And if any major or commandant of a battalion shall fail to comply with the duties hereby prescribed, he shall forfeit and pay thirty dollars; and commandants of regiments failing to comply with the duties hereby imposedon them, shall for every failure forfeit and pay forty dollars each.

Artificers in manufactory of arms to be embodied, &c.

6. *And be it further enacted*, That the artificers employed in the manufactory of arms in the city of Richmond, shall be embodied in one or more companies, as the executive may direct, and be commanded by such officers as the governor, with the advice of council, may appoint and commission; and shall be an independent corps, and act as a guard to the manufactory of arms, whenever the executive may direct or require the same.

Officer prohibited from resigning for five years.

7. *And be it further enacted*, That no officer hereafter accepting a commission in the militia of this commonwealth, shall be at liberty to resign the same for the term of five years after qualification, without the consent of the regimental court of enquiry, or of the executive of this commonwealth.

Regulations as to uniform.

8. And whereas a difference of opinion at this time exists among the officers, as to their uniform when on duty; and for remedy thereof, *Be it enacted*, That the executive shall, and they are hereby authorised to declare by proclamation, what shall be the uniform of the militia of this commonwealth; and the several officers shall be governed accordingly.

Commencement.

9. This act shall commence and be in force from and after the passing thereof.

CHAP. LXXXV.

*An Act to provide more effectually for the Collection of Taxes.**

[Passed February 5, 1806.]

Commissioner to grant licenses

1. BE *it enacted by the General Assembly*, That upon any person producing to any commissioner of the revenue for his

* Although this act is a literal transcript of the act of the last session, (1804, ch. 2, pa. 1—ante ch. 65,) except so much of the third section as relates to the taxes of certain towns, yet it is deemed proper to insert it in this collection; because the legislature seem to have considered it so far a *permanent* law, that they did not re-enact it in the session of 1806.—The act imposing taxes is the same in substance with that of the preceding year, (ante ch. 63,) and therefore it is unnecessary to insert it.

county, district, or corporation, or to the clerk of the court if there be no commissioner, a receipt for forty dollars, paid to the sheriff or collector, such commissioner or clerk shall grant to such person a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall in like manner receive a license to retail such goods for the same time; and if any person shall sell such merchandize either by wholesale or retail, on land, or on board any vessel, without having obtained such license, such person shall forfeit and pay one hundred dollars, to be recovered by the commissioners of the county, district, or corporation, in any court of record, on ten days previous notice, for the use of the commonwealth; of which licenses and fines, the commissioners shall annually, in their books, return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying the names of the persons, which shall be evidence whereupon to charge the sheriff or collector: *Provided always*, That if there be no such sheriff or collector, the clerk of the court shall have a right to receive the tax, to be accounted for in like manner as other taxes by him received, and his receipt shall entitle the party to a license in the same manner as the receipt of the sheriff or collector: *Provided nevertheless*, That not more than one tax shall be paid on account of selling at one and the same store; and if any person or persons shall keep two or more stores, he, she, or they shall pay one tax for each store. All the said licenses, shall be taken out previous to the first day of May next, and shall be good and effectual for the term of one year next ensuing: *Provided*, That if any new store shall be opened on land, between the first day of May and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year, and its amount shall be specified in the license and in the commissioner's return.

1805.

for wholesale & retail of goods.

Penalty for selling without license.

Proviso.

2. *And be it further enacted*, That the act concerning hawkers and pedlars shall be so construed as to make it necessary for each hawker and pedlar to obtain a license; that it shall be the duty of the commissioners to report to the courts of their respective counties, such merchants, hawkers and pedlars, as neglect to comply with this act; and on such report, it shall be the duty of the said court to direct process against all delinquents so reported.

Each hawker & pedlar to obtain a license.

3. *And be it further enacted*, That each hawker and pedlar after obtaining a license to sell goods, wares and merchandize, shall, in the court of each county in which he offers goods for sale, enter on record his license obtained for vending of goods, wares and merchandize; for which he shall pay twenty five cents to the clerk; and in case of failure, each hawker and pedlar shall be subject to the same penalty as if he had no such license. The clerk of each court shall, on each court day thoughout the year, cause a list of such licenses as are recorded by him, to be stuck up in some public place in the courthouse, expressing when such license was granted, when it will expire, and by what court it was granted; and in case of failure, such clerk, for each omission, shall forfeit and pay the sum of fifty dollars, to be recovered by motion of the commissioners in any court of record, ten days notice thereof being first given. For every license granted by a commissioner under this act, he shall be entitled to twenty-five cents, which shall be paid to him

Such license to be recorded.

Clerk of court to cause a list of such licenses to be hung up on each court day.

Penalty for omission.

Fee to clerk.

1805.

out of the public treasury, on warrant from the auditor of public accounts, after his list of licenses shall be returned to the auditor aforesaid. Clerks of courts shall annually, on or before the first day of October, return to the auditor, a list of all licenses granted to tavern keepers, hawkers and pedlars, by their respective courts, previous to the first day of September in every year; and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered by motion in the general court, on ten days previous notice. The clerks of courts shall also on or before the fifteenth day of December in every year, account on oath to the auditor of public accounts, for all taxes received by them by virtue of their offices, previous to the first day of September in such year. A list of all licenses granted to merchants, shall be returned by the commissioner or clerk granting the same, to the county or corporation courts, for their examination, a certified copy of which list shall be transmitted to the auditor of public accounts, by the commissioner granting the same, in the city of Richmond, the borough of Norfolk, and the towns of Petersburg, Manchester, Falmouth, Portsmouth and Fredericksburg, on or before the twentieth day of May; and the sheriffs or collectors for the said city, borough and towns, shall, on or before the twentieth day of May next, and annually on or before the same day, pay into the public treasury, all monies so received in the city of Richmond, the borough of Norfolk, and the towns of Petersburg, Manchester, Falmouth, Portsmouth and Fredericksburg; and all other monies so received shall annually be accounted for and paid on or before the first of October.

When to account for taxes.

Commissioner or clerk to return list of licenses to county or corporation court.

When list to be sent auditor.

Tax of certain towns, when payable into treasury.

Person aggrieved by commissioner's valuation may appeal to the court.

Rule by which commissioner to be governed.

4. *And be it further enacted*, That where the owner or proprietor of any house or lot subject to taxation, shall think himself aggrieved by the valuation of the commissioner, he may appeal to the court by whom he was appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners, or either of them, to ascertain the rent paid on houses or lots actually rented or leased, may call on the tenant or proprietor, to declare on oath or solemn affirmation, what is the amount of rent paid for the same; and every person so called on and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice, at the instance of the commissioners of the revenue, or either of them.

Penalty on owners of stud horses and asses for breach of law.

5. *And be it further enacted*, That every covering horse or jackass which shall not be duly entered as such, with the commissioners of the revenue, and all such horses and asses brought into this commonwealth subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place where he shall stand, upon whom it shall be distrainable by the sheriff, as if the same had been entered on the commissioner's book in his name; for two thirds whereof the sheriff shall be accountable to the public, and for every failure so to account, shall forfeit two hundred dollars, to be recovered with costs, on ten days previous notice, by the auditor, for the use of the commonwealth: *Provided*, That any person bringing such horse or ass into this commonwealth, entering him with the commissioner within ten days thereafter, and paying the tax to which he is liable, shall be absolved from said penalty, and such commissioner shall subjoin such horse or ass to the list of taxables.

1806.

6. *And be it further enacted*, That when any person shall remove any stud horse or jack-ass out of the limits of the county or commissioner's district wherein he is resident, after the ninth of March in any year, it shall be the duty of such person removing such horse or ass as aforesaid, to produce to the sheriff of the county into which such horse or ass is removed, a certificate from the commissioner of the county or district from which such horse or ass is removed, that such horse or ass has been duly entered with such commissioner, and the sum for which such horse or ass is entered for the season; every person failing as aforesaid, shall forfeit and pay treble the amount of the sum at which such horse or ass shall cover for the season, to be collected and accounted for by the sheriff on oath, for the use of the commonwealth.

Rule to be observed when such horse or ass is removed.

7. *And be it further enacted*, That no court shall hereafter grant to any person a license to keep an ordinary, until such person shall produce to such court, the receipt of the sheriff, collector, or sergeant, for the tax by law imposed on such license, which tax shall be refunded to the person paying the same, by such sheriff, collector, or sergeant, if such license be refused.

Person wishing to keep tavern, must produce to court a receipt for tax.

Provided always, and be it further enacted, That ten days previous notice shall hereafter be necessary to any sheriff, collector, clerk, inspector, or notary public, for the purpose of recovering a judgment for any taxes, fines, or public dues of any kind, where by law the auditor is authorised to proceed against them, or any of them, by motion. No sheriff or collector shall at any time be allowed to return any list of insolvents, or have any credit therefor, after eighteen months shall have expired from the period of the taxes becoming payable by such sheriff or collector, to which such list relates. A commission of five per cent. and no more, shall be allowed the sheriffs and collectors, for the collection of taxes on licenses granted to merchants, hawkers, or pedlars, any law to the contrary notwithstanding.

Proviso.

Within what time sheriff to return list of insolvents.

8. This act shall commence and be in force, from and after the passing thereof.

Commencement.

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the first day of December, one thousand eight hundred and six.

CHAP. LXXXVI.

An Act concerning the attendance of Witnesses in the Inferior Courts.

[Passed December 19, 1806.]

1. BE *it enacted by the General Assembly*, That in future the clerks of the county and corporation courts within this commonwealth, shall be, and they are hereby required and empowered to administer the necessary oaths, and to receive and enter the attendance of witnesses attending the said courts, and to grant cer-

Witnesses attendance in county, may be entered as in district courts.

1805.

CHAP. LXXVI.

*An Act more effectually to enforce the Payment of certain Fines into the Public Treasury.**

[Passed January 30, 1806.]

Manner of proceeding on certain fines, &c.

1. BE *it enacted by the General Assembly*, That whenever any fine, forfeiture, penalty or amercement, shall be imposed or adjudged by any court, the whole or any part whereof shall be to the use of the commonwealth, the clerk of such court shall, immediately after the term at which such fine, forfeiture, penalty, or amercement was imposed or adjudged, issue a writ of fieri facias, or capias ad satisfaciendum against the defendant or delinquent, for the amount thereof, which execution shall be directed, levied and accounted for, and the sheriff or other officer in whose hands it may be placed, shall be liable to the same penalties for neglect of duty, as are prescribed by law in other cases of executions on behalf of the commonwealth. And for the more effectual collection and payment of the said fines, forfeitures, penalties and amercements, it shall be the duty of every clerk, issuing an execution as aforesaid, to obtain from the sheriff or other officer to whom it is directed a receipt therefor, a copy of which receipt, together with a copy of the execution and of the judgment on which it was founded, certified by the said clerk, shall be transmitted by him to the auditor of public accounts, within sixty days after the date of the said receipt; and such certified copies shall be evidence on any motion made against the said sheriff, on account of the said execution; for which services the clerk shall be allowed one dollar, to be paid out of the public treasury. And if any clerk shall fail to transmit any of the aforesaid papers, within the time aforesaid, he shall forfeit and pay fifty dollars, to the use of the commonwealth, to be recovered by action of debt or information, in any court of record.

Penalties on officer for neglect of duty.

Clerk to take receipt for execution, &c. and transmit same to auditor.

Duty of Auditor.

2. The auditor of public accounts shall, immediately on receiving from any clerk, the receipt of the sheriff or other officer as aforesaid, debit the said sheriff or officer with the amount thereof in his account of the revenue for that year; and if the said sheriff or officer shall fail to pay the same at the time the public taxes are payable, after an allowance for insolvencies, to be made by the court of his county or corporation, such sheriff or other officer shall be subject to the same proceedings against them for default, as are or shall be directed in cases of public taxes. *Provided*, That no sheriff or other officer shall be liable for the amount of any execution directed by this act, which shall not be returnable before the public taxes are due and payable by him into the treasury, until the revenue of the next succeeding year becomes due, at which time he shall pay the amount collected by virtue of such execution as before directed.

Proviso.

3. And whereas, it hath been represented, that considerable sums of money, arising from fines, forfeitures, penalties and amercements, imposed and adjudged for the use of the commonwealth, remain in the hands of the sheriffs and others, who have failed to pay the same into the public treasury:

* See Rev. Code, vol. 1, ch. 65, sec. 17, pa. 71—ch. 66, sec. 63, pa. 83—ch. 67, sec. 74, pa. 93—ante ch. 4—ante ch. 24, sec. 3, clerks to certify amount of proceeds of sales of property of persons taking oath of insolvency at suit of commonwealth, and sheriffs to account as for other fines.

1805.

4. *Be it therefore enacted*, That the clerks of the several courts within this commonwealth, in which any fine, penalty, forfeiture or amercement, may have been imposed or adjudged to the use of the commonwealth, shall, within three months after the commencement of this act, transmit to the auditor of public accounts, correct lists of all writs of capias pro fine, or other writs of execution that have issued from their respective offices, on judgments rendered, since the first day of January, one thousand seven hundred and ninety-six, for any fine, penalty, forfeiture or amercement, appropriated by law, either in part or the whole, to the use of the commonwealth, together with their amount severally, the officer's name to whom delivered, and the return of such officer, if any be made. Every clerk, failing to transmit such list, shall forfeit the sum of fifty dollars, to be recovered by motion in the general court, by the auditor of public accounts, for the use of the the commonwealth, on ten days previous notice.

Duties of clerks where such fines, &c. are now due.

5. *And be it further enacted*, That it shall be the duty of the auditor of public accounts, on receiving such list, to proceed against such sheriff or other officer, from whose return it shall appear that he has collected any fine, penalty, forfeiture or amercement, or part thereof, by motion in the general court, on ten days previous notice, for the amount so collected, on which motion, the list certified by the clerk shall be admissible evidence.

Duty of auditor.

6. *And be it further enacted*, That it shall be the duty of the clerk of every court, in which any such fine, penalty, forfeiture or amercement has been imposed or adjudged, to furnish the attorney, prosecuting on behalf of the commonwealth in such court, with a list of all writs of capias pro fine, or other writs of execution, issued since the said first day of January, one thousand seven hundred and ninety-six, and which were delivered to any sheriff or other officer, and not returned. And it shall be the duty of such attorney, to proceed by motion in such court, against such sheriff or other officer, for failing to return such process: And such sheriff or other officer, having ten days previous notice, shall be liable to the same recovery for the use of the commonwealth, as is provided by law for failing to return other executions on behalf of the commonwealth. And on any such process being afterwards returned satisfied, in whole or in part, it shall be the duty of the clerk to certify such return to the auditor, who shall proceed to recover the same as herein before directed.

Clerks to deliver list of executions since 1796 to attorney prosecuting for commonwealth.

7. *And be it further enacted*, That it shall not be lawful for any court within this commonwealth to remit any fine, penalty, forfeiture or amercement, except fines imposed for contempts committed against any court, in which case the court shall have power to remit such fine, or any part thereof, for good cause shewn during the term at which the same shall be adjudged: *Provided*, That nothing herein contained shall extend to cases, where by law time is given the party to shew cause, nor to cases where express power is given to the courts to remit such fines, forfeitures, penalties or amercements, by the respective acts imposing the same. *Provided always*, That nothing in this act contained shall be construed to extend to such fines, forfeitures, penalties or amercements, as are now directed by law to be applied towards lessening the county le-

Power of courts as to remitting fines, &c.

Proviso.

Proviso.

1806.

Constable to return execution to court when nothing found to satisfy it.

8. When the constable or other officer to whom any execution shall hereafter be directed by a justice of the peace shall not be able to find goods and chattels to satisfy the same, he shall make return thereof to the clerk of his county or corporation, who shall docket the same; and the party shall be entitled to such writ or writs of execution for the recovery of the amount due thereon, as if the judgment upon which such execution issued had been rendered in court. And the same proceedings shall be had upon executions to be issued by the clerks under this act, as upon executions founded upon judgments rendered by courts of law, and the clerks shall be entitled to the same fees for the services hereby required of them, to which they would have been entitled if such judgments had been rendered in court.

Justice may issue executions & subpœnas for witnesses.

9. Every justice of peace shall have power to issue executions and subpœnas for witnesses to be directed to the constable or other officer of any county or corporation within this commonwealth, where the party or witness resides.

Penalty on constable.

10. If any constable or other officer shall fail to make return of any execution to him to be directed under this act, on or before the return day thereof (which shall in no case exceed sixty days from the date thereof) it shall be lawful for any justice of the peace, ten days notice being given, upon the motion of the party injured, to fine such constable or other officer, in any sum not exceeding five per centum per month, upon the amount of such execution, counting from the return day thereof.

Persons, when non-suited.

11. Whosoever shall bring any action or suit, if it shall appear, either by his own shewing or the verdict of a jury, that a justice of the peace had cognizance under this act, shall be non-suited.

Fees of counsel, &c.

12. The same fees for counsel or attornies shall be taxed in the bills of costs upon appeals under this act, as were heretofore taxed upon petitions and summonses.

Motion against constable.

13. If any constable or other officer shall hereafter receive any money or tobacco upon any execution hereafter to be directed by any justice of the peace, and shall not pay the same to the party or his agent entitled thereto, upon the return of such execution, the party or parties, his, her, or their executors or administrators injured thereby, shall be entitled to the same remedy, by motion, for the sum so received, with interest and costs, against such constable or other officer and his security or securities, his, her or their executors and administrators, to which he would have been entitled against a sheriff for money received on an execution issued upon the judgment of a court of law. And the court of the county or corporation in which the bond of such constable or other officer is, or shall be deposited, shall have power to hear such motion, and to render judgment thereon.*

Court to pronounce finally when they reverse judgment of justices.

14. *And be it further enacted*, That every court within this commonwealth, on reversing any judgment of any justice of the peace, shall pronounce such final judgment, as, in their opinion, such justice ought to have rendered.

Repealing clause.

15. All acts and parts of acts contrary to this act, and particularly so much of the act, entituled, "An act, reducing into one all acts

* See ante chap. 8, sec. 3.

and parts of acts concerning the county and corporation courts," as relates to petitions for small debts and penalties, shall be and are hereby repealed. But all such petitions as shall be commenced and undetermined before the commencement of this act, shall be decided, and executions shall be issued on the judgments to be given thereon, in the same manner as if this act had not been made. 1806.

16. This act shall be in force from and after the first day of June next. Commencement.

CHAP. LXXXIX.

*An Act declaring the Law in cases of Discounts and Offsets.**

[Passed December 29, 1806.]

WHEREAS doubts have arisen whether there is any law now in force regulating discounts and offsets in the courts of common law within this commonwealth; for removing whereof, Preamble.

1. *BE it enacted by the General Assembly*, That when any suit shall be commenced and prosecuted in a court within this commonwealth, for any debt due by judgment, bond, bill, or otherwise, the defendant shall have liberty, upon trial thereof, to make all the discount he can against such debt, and upon proof thereof, the same shall be allowed in court. Defendant at liberty to prove all discounts.

2. This act shall be in force from and after the first day of May next. Commencement.

CHAP. XC.

An Act to amend the Act for reducing into one the several Acts prescribing the Oath of Fidelity, and Oaths of Public Officers.†

[Passed December 30, 1806.]

1. BE *it enacted by the General Assembly*, That any person refusing to take an oath in the manner the same hath heretofore been usually administered, and declaring religious scruples to be the true and only reason of such refusal, if he or she shall use the solemnity and ceremony, and repeat the formulary observed on similar occasions, by those of the church or religious society of which such person professeth himself or herself to be a member, or to join in communion with, or shall use the solemnity and ceremony, and repeat the formulary which, in his or her opinion, is or ought to be observed on such occasions, according to the religion in which such person professeth to believe, he or she shall thereupon be deemed as competent a witness, or be as duly qualified to execute an office, or perform any other act, to the sanction whereof an oath is or shall be required by law, and shall be subject to the same rules, derive the same advantages, or incur the same penalties or forfeitures, as if he or she had sworn. Judicial oaths & oaths of office, how to be taken.

* The substance and nearly the words of this act may be found in the edition of 1769, (22 Geo. 2, ch. 27, sec. 6,) pa. 249, but it has been omitted in the subsequent revisals.

† See Rev. Code, vol. 1, chap. 57, pa. 55.

1806.

Repealing clause. 2. So much of any act or acts, as comes within the purview of this act, shall be and is hereby repealed.

Commencement. 3. This act shall be in force from the passing thereof.

CHAP. XCI.

*An Act to punish certain Thefts and Forgeries.**

[Passed December 31, 1806.]

Punishment on persons fraudulently obtaining, &c. bank notes. 1. BE *it enacted by the General Assembly*, That if any person shall fraudulently obtain, or aid or assist in obtaining from the Bank of Virginia, or any of its offices of discount and deposit, any bank or post note, or money, by means of any forged or counterfeited check or order whatsoever, knowing the same to be forged or counterfeited, then every such person being duly convicted thereof, shall be sentenced to suffer imprisonment in the jail and penitentiary house, for a period of time not less than two, nor more than ten years.

For forging or counterfeiting them. 2. *And be it further enacted*, That if any person shall forge or counterfeit, or aid in forging or counterfeiting, or keep or conceal, or aid in keeping or concealing any instrument for the purpose of forging or counterfeiting the seal of the Bank of Virginia, then every such person, being duly convicted thereof, shall be sentenced to suffer imprisonment in the jail and penitentiary house, for a period of time not less than five years, nor more than fifteen years.

For stealing or robbery of them 3. *And be it further enacted*, That if any person shall steal or take by robbery from another any bank or post note, then every such person, being duly thereof convicted, shall be sentenced to suffer imprisonment in the jail and penitentiary house, for a period of time not less than three years, nor more than ten years.

Commencement. 4. This act shall commence and be in force from and after the passing thereof.

CHAP. XCII.

An Act concerning Ideots and Lunatics.†

[Passed January 6, 1807.]

Person refused to be received into hospital for want of room. 1. BE *it enacted by the General Assembly*, That when the court of directors of the hospital at Williamsburg for the reception of persons of unsound minds, shall for want of room or other cause, refuse to receive any person sent to the said hospital, under the act, entituled, "An act reducing into one the several acts making provision for the restraint, support and maintenance of ideots and lunatics and the preservation and management of their estates," the officer and guard to whom such ideot or lunatic, or supposed ideot or lunatic was entrusted, shall carry him or her back to the magistrates before whom the examination was had, who are authorised and required to give to the officer conducting such ideot or lunatic, or supposed ideot or lunatic, a certificate of the services so performed by himself and guard, and of the distance of the said hospital from the place whence such ideot or lunatic, or

Magistrates to grant certificate of service.

* See Rev. Code, vol. 1, ch. 133, pa. 249—ch. 171, pa. 320.

† See Rev. Code, vol. 1, ch. 120, pa. 233—ch. 294, pa. 424.

1806.

supposed ideot or lunatic was sent; and upon production of such certificate to the auditor of public accounts, he shall issue a warrant in favor of such officer and guard, for their services and travelling expenses, allowing to each, five cents per mile for going to the said hospital, and the same for returning, besides ferriages, and allowing further to such officer, four cents per mile going, and the same returning, for each ideot or lunatic, or supposed ideot or lunatic, besides ferriages, to be paid out of any monies in the public treasury. And auditor to issue warrant to officer & guard.

2. When upon the return of an insane person to the county whence he or she was sent, it shall be necessary to confine him or her in the jail thereof, the jailor shall be compelled to receive such person, and shall be paid for each day's maintenance of him or her, in the same manner as jailors are now paid for prisoners confined for offences. When insane person must be confined in prison, jailor entitled to fees, &c.

3. All expenses under this act shall be reimbursed, in the manner directed by the before-recited act, out of the estate of the insane person or persons, on whose account they were incurred, if any, he, she or they may have; *Provided*, such person or persons be found insane by the said court of directors. Expenses to be defrayed by estate of insane person.

4. So much of any act as comes within the purview of this act, shall be, and the same is hereby repealed. Repealing clause.

5. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XCIII.

An Act authorising Samuel Pleasants, Junior, to Publish a Collection of certain Public Laws of this Commonwealth, and for other purposes.

[Passed January 7, 1807.]

WHEREAS it hath been represented by Samuel Pleasants, junior, that he hath, at a very considerable expense, prepared for publication a continuation of the Revised Code of Laws, containing a collection of all such acts of the general assembly, of a public and permanent nature, as have passed since the session of one thousand eight hundred and one, together with several other acts of the same nature, which were omitted in the late collection; and the said Samuel Pleasants, junior, having petitioned the legislature to sanction a publication of the same in such manner as to give them legal authority; Preamble.

1. *BE it therefore enacted*, That upon the certificate of William W. Hening, William Munford and George W. Smith, or any two of them, being published with the said laws, stating that they had carefully compared the edition of the acts so to be published, with the original laws, and found them to be truly and accurately printed, they shall be received and considered of equal authority, in the courts of this commonwealth, as the originals from which they are taken. Commissioners to certify.

2. *And be it further enacted*, That the governor be, and he is hereby authorised and required, to subscribe, on behalf of the commonwealth, for one hundred and fifty copies of the edition proposed to be published as aforesaid; and the sum of four dollars, which is Certain number of copies taken by the commonwealth.

1806.

hereby declared to be the price for each copy, shall be paid out of the treasury at the expiration of twelve months from the time of their delivery, on warrant or warrants to be issued by order of the executive.

How to be distributed.

3. The number of copies so subscribed for on behalf of the commonwealth, shall be distributed by the executive, among the clerks of the several courts within this commonwealth, the clerks of the senate and house of delegates, the auditor of public accounts, treasurer, register of the land office, and clerk of the executive council, so that each have one copy for the use of their respective offices.

Commencement.

4. This act shall be in force from the passing thereof.

CHAP. XCIV.

*An Act directing the mode of proceeding against Decedents' Estates, and providing a mode of Reviving Suits in certain cases.**

[Passed January 7, 1807.]

Suit may be brought against sheriffs where estate is committed to them.

1. BE *it enacted by the General Assembly*, That in cases where on default of the qualification of an executor, or an administrator, as the case may be, the estate of a deceased person is committed by any court in this commonwealth, to the sheriff, it shall be lawful for any creditor of the deceased, to prosecute any action or actions at law, or suit or suits in equity, against such sheriff, which he or she might or could have maintained against an executor or administrator, if one had qualified on the estate of such deceased person; in which action or suit in equity, the court in which it shall be brought, shall render a judgment or decree as in ordinary cases; and such judgment or decree, if against the sheriff, shall charge the assets which shall come to his hands, and shall be paid by such sheriff under the order of such court, either by discharging the whole debt, or if there be not sufficient property of the deceased, then in proportion to what other creditors shall receive under the order of the court. And in case such sheriff shall die before he has fully administered, the succeeding sheriff, or sheriff then in office, shall take into his hands the estate of such deceased person unadministered; and shall, in all respects relative thereto, act as if the said estate had been originally committed to him: and all suits relative to the said estate commenced by or against his predecessor may be revived by scire facias in his name; *Provided*, That the same could have been revived by or against an executor or administrator.

First sheriff dying to be committed to his successor.

Appeal, writ of error, &c. may be revived against sheriffs in such cases.

2. *And be it further enacted*, That where any appeal, writ of error, or supersedeas, depending in any court of this commonwealth, shall abate, or is now abated by the death of either the appellant or appellee, or the plaintiff or defendant in error, and the estate of such appellant or appellee, plaintiff or defendant in error, shall be committed to the sheriff as before mentioned, it shall be lawful for the court where such appeal, writ of error or supersedeas, is now or shall be hereafter depending, to revive the same by scire facias, in the same manner that it might have been revived if an executor or administrator had qualified.

Sheriff may revive suit by scire facias.

3. *And be it further enacted*, That where any suit, depending in any court of law or equity, is abated, or shall abate, either by the

* See Rev. Code, vol. 1, ch. 92, sec. 61, pa. 167.

death of the plaintiff or defendant, the same may be revived by scire facias in the name of the sheriff to whom the estate may be committed as aforesaid; *Provided*, That the same could have been revived by or against an executor or administrator: *Provided nevertheless*, That in case of a suit brought or revived against a sheriff, or an appeal, writ of error, or supersedeas, revived against a sheriff as representing a deceased person as aforesaid, such sheriff shall not be liable for costs, in case a decree or judgment is rendered against him, unless he has assets to defray such costs, and if he has not sufficient assets, then said plaintiff, appellant, or plaintiff in error, shall be liable for so much of said costs as the said sheriff shall not have assets enough to pay. 1806.

4. This act shall be in force from and after the passing thereof. Commencement.

CHAP. XCV.

*An Act concerning Impressments.**

[Passed January 8, 1807.]

1. BE *it enacted by the General Assembly*, That whenever it shall be necessary to impress any property for the use of this commonwealth, it shall be the duty of the officer or person who impresses the same, to apply to a justice of the peace of the county wherein the property shall be impressed, who shall cause the same to be appraised by two disinterested, respectable house-keepers sworn for that purpose; and if it shall so happen that the property so impressed is totally destroyed or lost in the service of the commonwealth, so that the same cannot be returned to the owner, the officer or person who impressed the property shall so certify: Upon the owner producing such appraisement and such certificate, the auditor of public accounts is hereby authorised and required to issue a warrant for the amount of the appraisement, on the treasurer, who is directed to pay the same out of any monies in the treasury. Should the property impressed as aforesaid, be restored to the owner, and he should conceive it had been injured in the service of the commonwealth, he may, within five days thereafter, call on the same persons who first valued the said property, if to be found, who shall be sworn to determine the value of such property at the time the same was restored to the owner, otherwise any justice in the county where the property was impressed, may cause two housekeepers to value the same upon oath as aforesaid. The justice or justices as the case may be, shall certify, to the auditor of public accounts, such first and second valuation, with their true date and the time such property has been restored; who shall, if the second valuation amount to a less sum than the first, issue a warrant for the difference, to be paid out of any money in the treasury. *Provided nevertheless*, That in all second valuations, the hire of such property shall be taken into consideration by the appraisers.

Property impressed to be appraised, &c.

When property is lost or injured, officer to certify.

Property may be re-valued in certain cases.

Proviso.

2. *And be it further enacted*, That if it shall appear that such property has been injured by the officer or person who impressed it, or any other person, whereby the commonwealth has sustained an

When property is injured, commonwealth may have remedy a-

* See Revised Code, vol. 1, ch. 121, pa. 236—ch. 279, pa. 410.

1806.

hereby declared to be the price for each copy, shall be paid out of the treasury at the expiration of twelve months from the time of their delivery, on warrant or warrants to be issued by order of the executive.

How to be distributed.

3. The number of copies so subscribed for on behalf of the commonwealth, shall be distributed by the executive, among the clerks of the several courts within this commonwealth, the clerks of the senate and house of delegates, the auditor of public accounts, treasurer, register of the land office, and clerk of the executive council, so that each have one copy for the use of their respective offices.

Commencement.

4. This act shall be in force from the passing thereof.

CHAP. XCIV.

*An Act directing the mode of proceeding against Decedents' Estates, and providing a mode of Reviving Suits in certain cases.**

[Passed January 7, 1807.]

Suit may be bro't against sheriffs where estate is committed to them.

1. BE *it enacted by the General Assembly*, That in cases where on default of the qualification of an executor, or an administrator, as the case may be, the estate of a deceased person is committed by any court in this commonwealth, to the sheriff, it shall be lawful for any creditor of the deceased, to prosecute any action or actions at law, or suit or suits in equity, against such sheriff, which he or she might or could have maintained against an executor or administrator, if one had qualified on the estate of such deceased person; in which action or suit in equity, the court in which it shall be brought, shall render a judgment or decree as in ordinary cases; and such judgment or decree, if against the sheriff, shall charge the assets which shall come to his hands, and shall be paid by such sheriff under the order of such court, either by discharging the whole debt, or if there be not sufficient property of the deceased, then in proportion to what other creditors shall receive under the order of the court. And in case such sheriff shall die before he has fully administered, the succeeding sheriff, or sheriff then in office, shall take into his hands the estate of such deceased person unadministered; and shall, in all respects relative thereto, act as if the said estate had been originally committed to him: and all suits relative to the said estate commenced by or against his predecessor may be revived by scire facias in his name; *Provided*, That the same could have been revived by or against an executor or administrator.

First sheriff dying to be committed to his successor.

Appeal, writ of error, &c. may be revived against sheriffs in such cases.

2. *And be it further enacted*, That where any appeal, writ of error, or supersedeas, depending in any court of this commonwealth, shall abate, or is now abated by the death of either the appellant or appellee, or the plaintiff or defendant in error, and the estate of such appellant or appellee, plaintiff or defendant in error, shall be committed to the sheriff as before mentioned, it shall be lawful for the court where such appeal, writ of error or supersedeas, is now or shall be hereafter depending, to revive the same by scire facias, in the same manner that it might have been revived if an executor or administrator had qualified.

Sheriff may revive suit by scire facias.

3. *And be it further enacted*, That where any suit, depending in any court of law or equity, is abated, or shall abate, either by the

* See Rev. Code, vol. 1, ch. 92, sec. 61, pa. 167.

death of the plaintiff or defendant, the same may be revived by scire facias in the name of the sheriff to whom the estate may be committed as aforesaid; *Provided*, That the same could have been revived by or against an executor or administrator: *Provided nevertheless*, That in case of a suit brought or revived against a sheriff, or an appeal, writ of error, or supersedeas, revived against a sheriff as representing a deceased person as aforesaid, such sheriff shall not be liable for costs, in case a decree or judgment is rendered against him, unless he has assets to defray such costs, and if he has not sufficient assets, then said plaintiff, appellant, or plaintiff in error, shall be liable for so much of said costs as the said sheriff shall not have assets enough to pay. 1806.

4. This act shall be in force from and after the passing thereof. Commencement.

CHAP. XCV.

*An Act concerning Impressments.**

[Passed January 8, 1807.]

1. BE *it enacted by the General Assembly*, That whenever it shall be necessary to impress any property for the use of this commonwealth, it shall be the duty of the officer or person who impresses the same, to apply to a justice of the peace of the county wherein the property shall be impressed, who shall cause the same to be appraised by two disinterested, respectable house-keepers sworn for that purpose; and if it shall so happen that the property so impressed is totally destroyed or lost in the service of the commonwealth, so that the same cannot be returned to the owner, the officer or person who impressed the property shall so certify: Upon the owner producing such appraisement and such certificate, the auditor of public accounts is hereby authorised and required to issue a warrant for the amount of the appraisement, on the treasurer, who is directed to pay the same out of any monies in the treasury. Should the property impressed as aforesaid, be restored to the owner, and he should conceive it had been injured in the service of the commonwealth, he may, within five days thereafter, call on the same persons who first valued the said property, if to be found, who shall be sworn to determine the value of such property at the time the same was restored to the owner, otherwise any justice in the county where the property was impressed, may cause two housekeepers to value the same upon oath as aforesaid. The justice or justices as the case may be, shall certify, to the auditor of public accounts, such first and second valuation, with their true date and the time such property has been restored; who shall, if the second valuation amount to a less sum than the first, issue a warrant for the difference, to be paid out of any money in the treasury. *Provided nevertheless*, That in all second valuations, the hire of such property shall be taken into consideration by the appraisers.

Property impressed to be appraised, &c.

When property is lost or injured, officer to certify.

Property may be re-valued in certain cases.

Proviso.

2. *And be it further enacted*, That if it shall appear that such property has been injured by the officer or person who impressed it, or any other person, whereby the commonwealth has sustained an

When property is injured, commonwealth may have remedy a-

* See Revised Code, vol. 1, ch. 121, pa. 236—ch. 279, pa. 410.

1806.

injury, it shall and may be lawful for any attorney prosecuting on behalf of this commonwealth, where such person resides, to recover the said damages, upon motion, before any court of record within the commonwealth, ten days notice thereof having been previously given: But such person may, if required, have such motion tried by a jury, provided he will not delay the trial.

Against persons injuring.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XCVI.

*An Act to amend the Act, entituled, "An Act to compel the attendance of Witnesses before a single Justice of the Peace."**

[Passed January 9, 1807.]

Fine on witness failing to attend before single magistrate.

1. BE *it enacted by the General Assembly*, That when any person who shall be summoned as a witness to attend before any magistrate of a county or corporation within this commonwealth, to give evidence in any matter depending before such magistrate, shall fail to attend accordingly, not having a reasonable excuse for such failure, such witness shall be fined by the magistrate, before whom he shall fail to attend, in such sum as the magistrate shall think fit to impose, not exceeding five dollars, to the use of the party for whom such witness was summoned, and shall moreover be liable for damages in the manner now prescribed by law. *Provided however*, That the witness failing to attend as aforesaid, may for good cause shewn, be excused as heretofore.

Commencement.

2. This act shall be in force from and after the first day of June next.

CHAP. XCVII.

An Act to amend and explain an Act, entituled, an Act "To reduce into one all Acts and parts of Acts relating to the appointment and duties of Sheriffs."†

[Passed January 10, 1807.]

Person first nominated as sheriff failing to give bond, or apply for commission, executive to commission some other without good cause shewn.

1. BE *it enacted by the General Assembly*, That in all cases where the person first nominated in the commission to the office of sheriff of any county, shall fail to give bond in two months after his appointment, as the law directs, and a certificate of such failure shall have been transmitted by the clerk of such county, to the governor or chief magistrate for the time being; or where the person first nominated to the said office of sheriff, shall fail to make application to the governor or chief magistrate for a commission, within one month after such nomination, the governor, with the advice of council, is hereby authorised and required to issue a commission to some other person nominated by the court, unless good cause be shewn to the contrary; which commission to all intents and purposes, shall supersede and annul the former commission; and if the person thereafter commissioned or nominated as aforesaid, shall be guilty of the like neglect, the governor, with the advice of the council, is hereby authorised and required, in either

* See ante ch. 11.

† See Revised Code, vol. 1, ch. 80, pa. 120.

case, to commission any other person or persons nominated by the court, unless good cause be shewn to the contrary; which last commission shall in like manner supersede the former.

Vacancy in office of sheriff or sergeant, coroner to act.

2. And if hereafter there shall be a vacancy in the office of sheriff or sergeant in any county or corporation within this commonwealth, the coroner, or coroners of such county, or corporation, shall execute, do and perform all the duties which appertain to the office of sheriff or sergeant, except such as relate to the collection of the public revenue, levies, fines, forfeitures, amercements and officers' fees. And, in case of any neglect or breach of his or their duty, such coroner or coroners shall be subject to the same pains, penalties, forfeitures and damages, and to the same proceedings, judgment and execution as sheriffs or sergeants are subject to in like cases.

High sheriff dying, deputy may collect certain dues.

3. *And be it enacted*, That it shall and may be lawful for all deputy sheriffs to collect and make distress for any levies, fines, forfeitures or amercements, which may be due at the time of the death of their high sheriffs: and also to collect and make distress for all officers' fees, which may have been received by such high sheriff, or any of his deputies to collect, and which may remain due at the time of the death of such high sheriff; and such deputy shall be accountable for such levies, fines, forfeitures, amercements and fees in like manner as if the sheriff had lived.(a) It shall be lawful for the county courts within this commonwealth to qualify any person or persons, for the purpose of completing the collection of levies, fines, forfeitures, amercements and officers' fees in any county where the sheriff and his deputy shall die before such collection shall be completed. And the person or persons, so appointed, after having given bond and security, to the executors or administrators of such sheriff, to be approved of by the court, for the faithful performance of the duties of the office, shall have the same power, in all respects, for collecting such levies, fines, forfeitures, amercements and fees as the high sheriff would have had: but the acting executors, or administrators of such high sheriff, if any there be at the time of such appointment, shall be summoned by order of court to shew cause, if any they can, against the person whom the said court shall nominate. The person or persons so appointed shall, in all respects, be subject to the same penalties for any neglect of duty or failing to account for and pay to the person or persons authorised to receive the money by him or them so collected, and may be proceeded against by such executors or administrators, in the same manner as deputy sheriffs are liable to, and may be proceeded against by their principals.

Sheriff and deputy dying, county to appoint collector.

Remedy against securities of sheriffs, &c.

4. *And be it further enacted*, That the same remedy is hereby given against the securities and representatives of sheriffs, sergeants and coroners as is given against the sheriff, officer or under sheriff, or securities of such under sheriff, by the fifty-first section of the act, entituled, "An act for further continuing and amending

(a) This power was before granted to deputy sheriffs so far as related to the collection of the taxes—See Rev. Code, vol. 1, ch. 83, sec. 29, 30, 31, pa. 132.

1806. the act, entituled, an act reducing into one the several acts concerning executions and for the relief of insolvent debtors."(a)

Repealing clause. 5. All acts and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

Commencement. 6. This act shall commence and be in force from and after the passing thereof.

CHAP. XCVIII.

*An Act to amend the Act concerning Constables.**

[Passed January 10, 1807.]

Bond to be taken of constables. 1. BE *it enacted by the General Assembly*, That every constable hereafter to be appointed by a county or corporation court, shall enter into bond in such penalty, not being less than five hundred dollars, nor more than fifteen hundred dollars, as such court in their discretion shall direct, and in the manner and form now prescribed by law.

County to be laid off into districts for constables. 2. *And be it further enacted*, That the several county courts within this commonwealth shall, from time to time, when they appoint constables under the act concerning constables, lay off their respective counties into so many districts as they may deem convenient, and assign one or more constables to each. And it shall be the duty of every constable to confine himself in the service of warrants and executions to the limits of his district, and return all warrants to some place within his district. And every constable who shall execute any warrant, or levy any execution contrary to the provisions of this act, shall forfeit and pay the sum of five dollars for every offence, to be recovered against such constable and his security or securities, his, her or their executors or administrators, before the court of the county wherein such constable was appointed, by motion, on ten days previous notice.

Penalty on constables for misconduct.

Penalty for demanding higher than legal fees. 3. *And be it further enacted*, That every constable who shall demand and receive any fee or compensation, when by law he is not entitled to any, or shall demand and receive more than is allowed by law, shall forfeit and pay to the party injured, three dollars for every offence: and shall moreover be liable to double the sum so improperly received; to be recovered on motion, in the court of the county where such constable has been appointed, against him and his security or securities, his, her or their executors or administrators, by motion, on ten days previous notice.

Commencement 4. This act shall be in force from the passing thereof.

(a) See Rev Code, vol. 1, ch. 151, pa. 305—See also ante ch. 43, sec. 2, by which a motion may be made against a principal sheriff and his securities jointly, for money received by him or his under sheriff, and not paid to the party entitled—See also Rev. Code, vol. 1, ch. 176, sec. 8, pa. 325, where a like remedy is given against a sheriff and his securities, for not returning an execution, or attachment for not performing a decree in chancery.

* See ante chap. 8.

CHAP. XCIX.

1806.

*An Act to amend an Act, entituled, an Act, "To amend the several Laws concerning Slaves."**

[Passed January 12, 1807.]

Preamble.

WHEREAS inconveniences have arisen from the operation of an act, entituled, "An act to amend the several laws concerning slaves;" for remedy whereof,

Person leaving this state with view of returning, may bring back his slaves.

1. *BE it enacted by the General Assembly*, That when any inhabitant of this state, shall have left or shall leave the same, with an intention to return to his or her residence in this state, and shall have carried or shall carry with him or her, his or her slaves, or any of them, every such person shall have the right of bringing back with him or her into this state, such slaves, when he or she shall return again into the same.

Where land extends across state line, owner may work his hands on each side, &c.

2. *Be it further enacted*, That any person, whose land may extend across the boundary line of this state, or who cultivates land adjoining upon both sides of the said line, shall have the privilege of working and removing his or her slaves on either side thereof, according to his or her pleasure; but no slave owned in another state, and so to be employed in this state, shall be sold, or otherwise employed therein. And any person, an inhabitant of this state on the twenty-fifth day of January last, shall also have the right, within six months after the passage of this act, of bringing into this state any slaves, and their increase since that day, whereof he was then and is now, the real owner.

Inhabitant of other state may bring produce to market in this state with his slaves, &c.

3. Any person, an inhabitant of any other state, shall have the privilege of employing his or her slaves in carrying his or her produce to any market, or as travelling servants, in this state.

Repealing clause.

4. All acts and parts of acts coming within the purview of this act, are hereby repealed.*

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. C.

An Act to amend the Act, entituled, "An Act to reduce into one the several Acts concerning Mills, Mill-Dams and other Obstructions of Water-Courses."†

[Passed January 12, 1807.]

Regulations, &c.

1. BE *it enacted by the General Assembly*, That where any person owning lands on one side of a water-course, the middle of the bed whereof shall be the dividing line between the lands of himself and any other person or persons, shall desire to build a water grist-mill or other machine or engine useful to the public, on his said land, and to erect a dam across the same for working such mill, machine or engine, and shall not himself have the fee simple property in the lands on the opposite side of such water-course, against which he would abut his dam, he shall make application for a writ of ad quod damnum, to the court of the county wherein the

* See ante chap. 69.

† See Revised Code, vol. 1, ch. 105, pa. 197.

1806. lands proposed for the abutment are, having given ten days previous notice to the proprietor thereof, if he be to be found in the county, and if not, then to his agent therein, if any he hath; whereupon such proceedings shall or may be had, as would have been authorised or required by law, in case the whole bed of such watercourse, at the time of the said application, belonged to the person desiring to build such mill, machine or engine, or to the commonwealth.

Restrictions on millers.

2. *And be it further enacted*, That the ninth section of the act to which this is an amendment, with the proviso thereto, shall be and the same is hereby repealed. And all millers shall well and sufficiently grind the grain brought to their mills for the usual consumption of the persons bringing the same, and their families, and in due turn as the same shall be brought; and may take for the toll one eighth part and no more of all grain of which the remaining part shall be ground into meal, and one sixteenth part and no more of all grain of which the remaining part shall be ground into hominy or malt. And every miller, or occupier of a mill, who shall not well and sufficiently grind as aforesaid, or not in due time as the same shall be brought, or take, or exact more toll, shall, for every such offence, forfeit and pay two dollars and fifty cents to the party injured, recoverable with costs, before any justice of peace of the county where such offence shall be committed. And where the miller shall be an indented servant, or slave, he shall, upon the first conviction for such offence, receive ten lashes; and upon a second conviction, twenty lashes on his or her bare back well laid on in lieu of the forfeiture aforesaid; but, upon a third conviction, the master of such servant or slave, or his overseer, or agent, shall be liable to pay two dollars and fifty cents; and so for every such offence by such servant or slave afterwards committed: *Provided*, That every owner or occupier of a mill shall have a right at any time to grind his or her own grain for the consumption of his or her family. *And provided also*, That no miller shall be obliged to run more than one pair of stones for the purpose of grinding grain brought to his mill for the consumption of the persons bringing the same and their families.

Proviso.

Commencement.

3. This act shall be in force from the passing thereof.

CHAP. CI.

An Act concerning the Abatement of Suits, and Executors and Administrators.

[Passed January 13, 1807.]

Regulations as to abatement of suits.

1. BE *it enacted by the General Assembly*, That where any action at law or suit in equity is now, or shall be depending in any court of this commonwealth, and either of the parties shall die before final judgment or decree be had, such action or suit shall not abate, if the same were originally maintainable by, or against, an executor or administrator: But the plaintiff, or, if he be dead, his executor or administrator, shall and may have a scire facias against the defendant, or, if he be dead, then against his executor or administrator, to shew cause generally why such action or suit should not be proceeded in to a final judgment or decree; and if such executor or administrator, upon the return of a scire facias executed, shall neglect or refuse to enter his or her appearance to the suit, the court may proceed to a final judgment or decree

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therein, in the same manner as if such executor or administrator had entered his or her appearance. And if the executor or administrator shall appear to the suit, upon the return of such scire facias executed, or if, without a scire facias, he or she shall voluntarily enter himself or herself defendant to such suit, then, and in either case, such executor or administrator shall have liberty to plead de novo to the plaintiff's action, every such plea or pleas as an executor or administrator may lawfully plead; or as the deceased party might, or could have pleaded, if he or she had lived. And if such executor or administrator should not desire to plead de novo, or if no issue shall have been joined, or pleadings entered before the death of his or her testator or intestate, or if any interlocutory judgment or decree shall have been entered in the lifetime of the deceased party; and the executor or administrator shall refuse to plead, or shall not desire to set aside the interlocutory judgment or decree, the court shall proceed to a final judgment or decree for or against the executor or administrator, in the same manner as if the original writ had been issued against him or her as an executor or administrator. And the cause shall remain in its place on the issue or appearance docket, as the case may be: But the defendant, being an executor or administrator, shall be entitled to a continuance until the next term after that to which a scire facias shall have been returned executed, or at which he or she shall have voluntarily entered himself or herself a defendant. *(a)* *Provided*, That no executor or administrator shall be liable to answer any debt or damages, out of his or her own estate, beyond the assets, which may have come to his or her hands, in consequence of any false pleading, mispleading or non-pleading, in any action now depending, or which hereafter may be brought or prosecuted against him, her or them, in any court within this commonwealth. *(b)* But nothing in this act contained, shall be so construed, as to prevent the court, in which any such suit is tried, from rendering judgment as heretofore, when it shall be found that the defendant hath sufficient assets, or for so much as shall be found to be in his hands.

As to conduct of executors & administrators, in such cases.

Not to be liable beyond assets, in consequence of false pleading, mispleading or non-pleading.

2. All acts or parts of acts coming within the purview of this act, shall be and the same are hereby repealed.

Repealing clause.

3. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. CII.

*An Act to amend an Act for reducing into one Act the several Acts concerning the Court of Appeals.**

[Passed January 14, 1807.]

1. BE *it enacted by the General Assembly*, That the vacancy which has recently occurred in the court of appeals, by the resignation of Paul Carrington of his office of judge in that court, shall not be supplied by the appointment of a successor:— And that the said court shall hereafter consist of four judges, any

Vacancy by judge Carrington's resignation not to be supplied.

(a) See Rev Code, vol. 1, ch. 76, sec. 20, pa. 110.

(b) This provision heretofore existed with respect to the securities of executors and administrators—See Rev. Code, vol. 1, ch. 92, sec. 33, pa. 165.

* See Rev. Code, vol. 1, ch. 68, pa. 60.

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three of whom shall constitute a court, until a vacancy shall again occur by the death or resignation of one of the four remaining judges; after which event, the said court shall consist of three judges, any two of whom shall constitute a court, possessed of the same powers, jurisdiction and rights, as belong to the present court.

Court to consist of four judges till next vacancy. Then of three.

Sum heretofore appropriated to be divided amongst remaining judges.

2. *Be it further enacted*, That the sum heretofore appropriated for the payment of the five judges of the said court, shall be equally divided among the four judges now remaining, until, according to the provisions of this law, the number shall be reduced to three; after which period, it shall be equally divided among the three judges then constituting said court. The said court shall hold three terms in every year; the first shall commence the first day of January and continue forty-five juridical days; the second shall commence the first day of June and continue thirty-six juridical days; the third shall commence the fifth day of October and continue forty-five juridical days; unless the business before them shall be sooner done. When any day of commencement shall be on a Sunday, such term shall commence on the succeeding day.

Commencement and duration of its terms.

Limitation of the right of appeal in certain cases.

3. No appeal shall hereafter be granted to any principal obligor or obligors, his, her or their security or securities, or their executors or administrators, on any judgment, or decree rendered or affirmed by any district court of common law or chancery awarding execution on any forthcoming bond; but such person or persons may obtain a writ of error or supersedeas as heretofore.

No writ of error or supersedeas to be granted in open court.

4. No appeal from any decree pronounced in any of the superior courts of chancery, or any writ of error or supersedeas, shall hereafter be granted by the court of appeals in court; but the judges, or any one of them, either in vacation or during the terms of said court, shall have power to grant any such appeal, writ of error or supersedeas, under the regulations heretofore prescribed by law.

Commencement.

5. This act shall commence in force from the passing thereof.

CHAP. CIII.

*An Act concerning the Proceedings in Chancery, and for other purposes.**

[Passed January 15, 1807.]

Chancellors may direct accounts to be taken in vacation.

1. BE *it enacted by the General Assembly*, That the judges of the chancery district courts may direct an account to be taken in any cause depending in their respective courts, in vacation, whenever such account would be directed if the court was in session. And whenever a commissioner engaged in taking an account in vacation, shall doubt as to the principles on which the account should be taken, or shall doubt of the propriety of admitting any item of debit or credit, contended for by a party, the commissioner may state in writing the points on which he shall doubt, and submit the same to the judge in vacation, who may thereupon decide the question or questions so submitted to him, and the commissioner shall govern himself accordingly; but on such points submitted, no judge shall hear any arguments of counsel, except by consent of parties.

Commissioner may state any doubt in writing to the chancellor.

* See Rev. Code, vol. 1, ch. 64, pa. 63—ch. 297, pa. 426, ch. 298, pa. 428.

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2. No appeal shall be hereafter granted in any cause in chancery, until a final decree is pronounced, unless where the court in which any such cause is or may be depending, shall think necessary to prevent a change of property under an interlocutory decree, and before the final decree can be pronounced. (a)

No appeal till final decree, certain cases excepted.

3. If either party shall hereafter enter an appeal from any decree pronounced in any of the inferior courts of this commonwealth, to any of the superior courts of chancery, and shall fail to file the record with the clerk of such superior court before or during the second term of such court after the same shall have been granted, such appeal shall be dismissed with costs, unless good cause be shewn to the contrary, in which case the same may be docketed and heard as if the record had been filed in proper time.

Record of appeal not filed before during second term, cause to stand dismissed with costs without good cause shewn.

4. *And be it further enacted*, That if the defendant in any suit in a chancery district court, does not file his answer within three months after the plaintiff shall have filed his bill, having also been served with the subpœna at least three months before the said time for filing his answer, the plaintiff may proceed to take his bill for confessed, and proceed in the same manner as in the case of an attachment returned executed. (b)

Defendant to file his answer within 3 months after bill filed.

5. *And be it further enacted*, That in suits against absent defendants in the courts of this commonwealth having chancery jurisdiction, it shall and may be lawful for the court in which any such suit is or shall be depending, to direct publication to be made in any newspaper printed within this commonwealth, the circulation of which in their opinion is best calculated to apprise the absent defendant or defendants of the pendency of such suit. (c)

Suit against absent defendant court may direct publication in newspaper.

6. *And be it further enacted*, That the terms of the chancery district court holden at Richmond in the months of May and September, shall hereafter commence on the first day of May and fifth day of September in every year, unless the same shall happen on Sunday, in which case the same shall commence on the succeeding day. (d)

Richmond chancery terms to commence on 1st May & 5th September.

7. *Be it further enacted*, That the commissioners in chancery shall be authorised to charge for copies of reports, or such other papers as the parties in the suits referred to them may require, the same fees as the clerks of the respective courts from whence they receive their appointment are authorised by law to charge for similar services; and that their tickets for the same shall be collected by the sheriffs and sergeants and accounted for by them in the same manner, and under the like penalties, as the fees of the said clerks: *Provided*, Such charges shall be confined to the services for which no allowance is or shall be made by the rules of the respe

Commissioners in chancery, how to charge & how their fees to be collected.

(a) Amendatory of an act in the Rev. Code, vol. 1, ch. 223, pa. 375.

(b) By an act of 1790, ch. 12, sec. 3, incorporated in the Rev. Code, vol. 1, ch. 64, sec. 25, pa. 66, an attachment was made necessary, in suits depending in the high court of chancery. The law is now restored to what it was before the act of 1790.

(c) Formerly in a newspaper *convenient to the place where the court was held*—See Rev. Code, vol. 1, ch. 78, sec. 3, pa. 115.

(d) The terms were heretofore on the 1st of March, 12th of May, and 10th of September—See Rev. Code, vol. 1, ch. 64, sec. 3, pa. 63.

1806. courts establishing the fees of their commissioners; and such fees being certified to the respective clerks, shall be charged in the bills of costs, if the same would have been so chargeable in case the same services had been performed by such clerks. And every commissioner, for asking, demanding or receiving any other, or further fees for services performed than those allowed by law, or for asking, demanding or receiving any fees for services not performed, shall be liable to the same penalties and proceedings as clerks of courts are liable to in the like cases.

Certain allowances to clerks of chancery courts.

8. *Be it further enacted*, That the clerks of the several chancery district courts in this commonwealth shall be allowed the same fees for issuing executions and taxing damages and costs, or for taxing damages and costs where no execution is issued, on decrees entered on appeals, as by law are allowed to the clerks of the common law district courts for similar services.

Commencement.

9. This act shall commence and be in force from and after the first day of April next.

CHAP. CIV.

*An Act to amend an Act concerning Grand Juries, Petit Juries and Veniremen.**

[Passed January 15, 1807.]

Additional allowance to veniremen.

1. BE *it enacted by the General Assembly*, That the district courts shall have power to make an allowance not exceeding one dollar and twenty-five cents per day, to each venireman, who shall hereafter be impannelled and sworn in any criminal case triable before said courts, for every day they shall be detained upon such trial, after the first day, in addition to the allowance now made by law: *Provided*, The court, from the circumstances of the case, shall deem it proper that such allowance ought to be made; and on the same being certified to the auditor of public accounts, he is hereby authorised and required to liquidate and adjust the said claims, and grant warrants on the treasury to the respective claimants, for the amount of their claims.

Proviso.

Certain allowances heretofore made to veniremen to be paid.

2. *And be it further enacted*, That all allowances heretofore made by the said courts for expenses incurred in supporting venires detained upon criminal trials, shall, on being certified to the auditor, be liquidated and paid as aforesaid.

Commencement.

3. This act shall be in force from the passing thereof.

CHAP. CV.

An Act giving power to the County Courts to establish Ferries, and to regulate the Rates of Ferriage.†

[Passed January 17, 1807.]

Power given to county courts to establish ferries. Person wishing to establish a ferry.

1. BE *it enacted by the General Assembly*, That when any person or persons shall own the land on both sides of any water-course through which a public road is or shall be established, and shall desire to keep a ferry across such water-course, he,

* See Rev. Code, vol. 1, ch. 73, pa. 99.

† See Rev. Code, vol. 1, ch. 116, pa. 221.

she or they, shall make application to the court of the county where- 1806.
in the said land lieth, who shall order the sheriff to impannel a jury of twelve disinterested freeholders, who shall view the place proposed for keeping such ferry, being first sworn, and on their oaths say, whether in their opinion, public convenience will result from the establishment of such ferry. The jury shall certify their opinion under their hands, and deliver it to the sheriff, who shall return it to the court, who thereupon, as well as upon any other evidence that may be offered, shall have full power to establish such ferry, and fix the rates for passing the same, observing that the rate for a man be the same as for a horse, for every wheel of a carriage the same as for a horse, for each head of neat cattle the same as for a horse, and for each hog, sheep or goat one fifth part of the rate for a horse.

ry, how to proceed.

Restrictions as to rates of ferriage.

2. No such ferry shall be established unless the applicant shall have previously advertised his intentions, and the time of application, at the door of the courthouse, on two several court days.

Person applying to advertise his intentions.

3. The like proceedings shall be had where the person or persons who shall desire the establishment of a ferry, shall own the land on one side of the water-course only.

Similar proceedings where applicant owns land on one side of a stream.

4. *And be it further enacted*, That if any person or persons shall desire to establish a ferry over any stream or water-course, which now is, or hereafter may be, the division line between any two counties, such person or persons shall make application to the court of one of the counties bounded by such water-course, under the regulations herein before prescribed, and such court shall proceed in the manner herein before directed. And if, upon the return of the inquisition of the jury, such court shall be of opinion that public convenience will be promoted by the establishment of such ferry, they shall certify the same, and the rates of ferriage they think proper to be allowed, to the court of the other county, bounded by such water-course, who shall thereupon proceed as herein before directed. And if, upon the return of the inquisition, such court shall be of opinion, all circumstances considered, that it is expedient to establish such ferry, the same shall from thenceforth be established: *Provided*, That the applicant shall advertise his intention to apply to such last mentioned court, and the time of his application, at the door of the courthouse of such county, on two several court days.

How to proceed where stream divides two counties.

5. *And be it further enacted*, That if any person or persons shall own a ferry now established by law, or hereafter to be established under the provisions of this act, and shall conceive that the rates of ferriage are insufficient, such person or persons may make application to the court of the county wherein such ferry is situated, who are hereby authorised and empowered to hear such application; and, if it shall appear to them, all circumstances considered, that it is just that the rates of ferriage should be increased, they may establish such new rates, as in their opinion, shall be deemed equitable. And where such ferry shall be on any water-course, which is the boundary between two counties, the consent of the courts of both counties shall be obtained; without which no increase of ferriage shall be allowed: *Provided*, That no court shall allow or consent to any increase of ferriage, unless it shall appear

Courts may raise rates of ferriage.

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to them that the intention of the applicant and the time of his application has been advertised on two several court days, at the door of the courthouse of such county.

Person aggrieved by judgment of county court may appeal to district court.

6. Where any person or persons shall think himself, herself or themselves, aggrieved by the judgment of any county court, on an application for the establishment of a ferry, or for an increase in the rates of ferriage, he, she or they may enter an appeal from such judgment, to the next court to be holden for the district within which such county is.

Penalty on owners or keepers of ferries for misconduct.

7. *And be it further enacted*, That if any owner or keeper of a ferry, which is or may hereafter be established according to law, upon due application to him made, by any person, to be set over by such ferryman, every such owner or keeper of a ferry, refusing to set over such person in a reasonable time after such application being made, shall forfeit and pay the sum of two dollars for every such refusal, to be recovered by warrant before any justice of the peace for the county or corporation wherein such offence may be committed, the one half to the use of the informer, and the other half to the use of the poor of the precinct wherein such offence may be committed.

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8. *Provided nevertheless*, That if it shall appear to the satisfaction of the justice of the peace, before whom such warrant shall be returned, that from the cause of wind, rise of water, driving of ice, or other good cause in such water-course, over which such ferry may be established, that the life of such owner or keeper would have been in danger, then such owner or keeper shall not incur the penalty aforesaid.

Certain parts of the law regulating ferries to apply to this act.

9. The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of the act, entituled, "An act reducing into one the several acts, for the settlement and regulation of ferries,"*(a)* passed the twenty-sixth day of December, one thousand seven hundred and ninety-two, shall apply to all ferries to be established by virtue of this act, in like manner as if the same were enumerated in the said recited act.

All the magistrates to be summoned, & a majority necessary to act under this law.

10. *And be it further enacted*, That the whole of the acting magistrates within the respective counties, to whose courts any application may be made for the establishment of a ferry, or for the increase of the rates of ferriage, under the provisions of this act, shall be summoned by the sheriff, and a majority of them shall be present to act on such application.

Fees to the officers.

11. The sheriffs and clerks shall be allowed for all services required in this act to be performed by them, the fees allowed in similar cases, to be paid by the person for whom the services shall be rendered.

Commencement.

12. This act shall commence and be in force from and after the passing thereof.

(a) See Rev. Code, vol. 1, ch. 116, pa. 227.

CHAP. CVI.

1806.

An Act to empower the Executive to appoint persons to collect the Arrears of Taxes.

[Passed January 19, 1807.]

Executive to appoint persons to collect arrears of taxes.

1. BE *it enacted by the General Assembly*, That it shall be lawful for the governor, and he is hereby authorised and required, by and with the advice of council, to appoint a fit and discreet person, either in the brigade districts, or they may appoint one or more in each district for the superior courts of chancery, as may be deemed most eligible, whose duty it shall be to collect all arrears of taxes due this commonwealth prior to the first day of November, one thousand eight hundred and two.

Agents to give bond, &c.

2. Every agent appointed as aforesaid, shall, before he enters upon the duties required by this act, give bond and sufficient security, to be approved by the executive, conditioned for the faithful performance of the duties required by this act.

Auditor to send executions on behalf of commonwealth to such agents.

3. All executions on judgments obtained in behalf of the commonwealth for the aforesaid arrearages, shall be sent by the auditor to the agent of the proper district, noting on each the cause of such arrears, and all matters pertinent thereto.

Auditor to give information of debts.

4. And it shall moreover be the duty of the auditor to transmit to such agent information of all debts due the commonwealth on account of any of the aforesaid taxes within his district, for which judgments have not been rendered; and such agent is hereby empowered and directed to use the most effectual means for the recovery of such debts.

Duties of agents.

5. *And be it further enacted*, That it shall be the duty of every such agent to superintend the execution of all original and mesne process in his district, against any public defaulter and his security or securities, his, her, or their heirs, executors or administrators, and transmit the same from time to time to the auditor of public accounts.

To render account of his proceedings to executive.

Penalty for neglect of duty.

6. *And be it further enacted*, That it shall be the duty of every agent appointed by virtue of this act, to render an account of all his proceedings to the executive once in every year, and moreover to pay into the treasury all monies received by him, on account of the public, on or before the first of January annually. Every agent failing herein shall be dismissed from office; and he, his security, or securities, his, her, or their executors, or administrators, shall also be liable by motion in the general court, on ten days previous notice, for all sums of money by him received, with interest at the rate of fifteen per centum per annum from the time the same came into his hands: *Provided*, That no agent shall be dismissed from office for failing to pay any money pursuant to the provisions of this act, where the same shall not have been in his hands more than one month.

Executive to adopt rules for government of such agents.

7. *And be it further enacted*, That the executive shall be and they are hereby authorised from time to time to adopt such rules and regulations for the government of such agents, or any one of them, as, in their opinion, will most effectually tend to ensure the collection of the taxes herein before mentioned, or any part thereof; and such agent or agents shall govern themselves accordingly.

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And they are moreover empowered to remove from office any such agent for good cause, and appoint another in his stead.

Powers of agents.

8. *And be it further enacted*, That the powers vested in the agents to be appointed under this act shall extend to all defaulters who stand indebted to the public, of whatsoever description they may be: *Provided*, Such debt became due prior to the first day of November, one thousand eight hundred and two.

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Compensation to agents.

9. Each agent shall be allowed and paid by the Executive, out of the said arrearages, not less than seven and one half per centum, nor more than twenty-five per centum on the monies actually paid into the public treasury.

Additional compensation when money is recovered out of the state.

10. *And be it further enacted*, That where any such arrears cannot be recovered within this commonwealth, because of the removal out of this state of the sheriffs or collectors, or their securities, who may owe such arrears, the executive shall allow such agent an additional per centum on all monies which may be thus collected, not exceeding in the whole thirty-three and one third per centum.

Commencement.

11. This act shall commence in force from the passing thereof.

CHAP. CVII.

An Act to amend an Act to continue and amend an Act for further continuing and amending the Act, entituled, "An Act for reducing into one the several Acts concerning Executions, and for the relief of Insolvent Debtors."

[Passed January 19, 1807.]

Preamble.

WHEREAS the tenth section of the act, "To continue and amend an act, for further continuing and amending the act, entituled an act for reducing into one the several acts concerning executions, and for the relief of insolvent debtors,(a) hath been found to operate unequally and injuriously, by allowing the same compensation to sheriffs or other officers, for supporting slaves and live stock taken in execution or by attachment, at all seasons of the year and in every part of the commonwealth, when the means of their sustenance fluctuate with the seasons and are of different value in different situations:

County courts in May and October every year to settle allowance to sheriffs for keeping stock, &c. taken under execution.

1. *BE it therefore enacted by the General Assembly*, That the county and corporation courts within this commonwealth, shall be, and they respectively are authorised and empowered, in the months of May and October in each and every year, to settle and adjust the compensation to be allowed to sheriffs or other officers within their respective counties, for supporting slaves or live stock taken by any writ of attachment or execution, till the same be sold or otherwise legally discharged from such attachment or execution; *Provided*, The allowance so made shall not exceed twenty cents per day for each slave, seventeen cents per day for each horse or mule, nine cents per day for each head of horned cattle or hog, and six cents per day for every sheep or goat; which allowance, so adjusted and settled, shall be by the sheriff or other officer, performing

(a) See Rev. Code, vol. 1, chap. 176, pa. 324.

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the duty, charged, collected and paid, in the same manner, and by the said party, as is directed by the aforementioned act.

Person put in prison to have benefit of bounds for one year only.

2. *And be it further enacted*, That if any person or persons taken or charged in execution, shall enter into bond, with good and sufficient security, under a reasonable penalty, upon condition that he, she or they shall not depart or go out of the rules or bounds of the prison, to which he, she or they be committed, it shall be lawful for the sheriff or other officer in whose custody such prisoner or prisoners shall be, to permit him, her, or them to go out of the prison and return again at pleasure during one year after the date of such bond; after the expiration of which time, if the person or persons so taken or charged in execution shall not be discharged by due course of law, it shall be the duty of the sheriff, or other officer to whose custody such person or persons were committed, to recommit him, her, or them to close jail and confinement, from which such person or persons shall not thereafter be discharged until the debt or demand for which he, she or they were taken or charged in execution shall be paid; or until he, she or they shall have taken and subscribed the oath and schedule, and shall have made the delivery or transfer of his, her or their property required by law for the discharge of insolvent debtors. *(b)*

Commencement.

3. This act shall commence and be in force from and after the first day of May next.

CHAP. CVIII.

An Act concerning District Courts, and concerning the Assignors of Bonds, Bills and Obligations.

[Passed January 19, 1807.]

General court failing to allot judges to districts last allotment to stand.

1. BE *it enacted by the General Assembly*, That whensoever from any cause it shall so happen that the regular session of the general court shall not be holden, so that an allotment of the districts among the judges shall fail to be made by that court, the several judges shall attend to hold courts in the several districts to which they were last allotted. *(c)*

Suit removed by habeas corpus or certiorari to stand as it did.

2. *And be it further enacted*, That when any suit or action shall hereafter be removed from any county or corporation court, to any district court by writ of habeas corpus or certiorari, such cause shall be placed in the same situation in such district court as it stood in the inferior court when such writ of habeas corpus or certiorari was delivered. And it shall be the duty of every such district court to proceed to a final judgment in the manner such inferior court ought to have done, without any new pleadings, unless the same would have been proper if such suit had remained in the inferior court. *(d)*

Assignee may recover from any previous assignor.

3. *And be it further enacted*, That the assignee or assignees, his, her or their executors or administrators, of any bill, note or obligation, shall hereafter be entitled to recover from any previous assignor or assignors, his, her or their executors or administrators:

(b) See Revised Code, vol. 1, ch. 151, sec. 37, pa. 303.

(c) Allotments of the judges prescribed by act of 1788, ch. 67, sec. 4, pa. 80—See also Rev. Code, vol. 1, ch. 192, pa. 348—ante ch. 82.

(d) See Rev. Code, vol. 1, ch. 66, sec. 22, pa. 77.

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Provided, That in any suit brought against a remote assignor or assignors, his, her or their executors or administrators, he, she or they shall be subject only to such recovery, and shall have the benefit of the same defence as if the suit had been instituted by the immediate assignee or assignees. *And provided also*, That no joint action shall be commenced or prosecuted against any two or more persons, unless where they shall be joint assignors. But nothing in this act contained shall be so construed as, in any manner, to abridge or destroy any rights which indorsees of bills of exchange, or assignees of bonds, notes and obligations now are entitled to by law.(a)

Commencement of term in Richmond district.

4. *And be it further enacted*, That the court directed to be holden in the city of Richmond, for the district composed of the counties of Henrico, Hanover, Chesterfield, Goochland and Powhatan, shall hereafter commence on the twenty-eighth day of March and twenty-eighth day of August in every year, and continue, if business requires, fifteen juridical days. If any of the said days should happen on a Sunday, such court shall commence on the succeeding day.(b)

Commencement.

5. This act shall commence and be in force from and after the first day of April next.

CHAP. CIX.

*An Act to amend an Act, entituled, "An Act more effectually to provide for the Payment of Taxes upon Lands within this Commonwealth."**

[Passed January 20, 1807.]

Mode of proceeding where taxes are not paid upon lands.

1. BE *it enacted by the General Assembly*, That when the taxes on any tract or parcel of land shall have heretofore remained, or shall hereafter remain unpaid for the space of two years, such tract or parcel of land shall be forfeited to the commonwealth, and shall not be subject to location. *Provided nevertheless*, That the tract or parcel of land so as aforesaid forfeited, shall be subject to the redemption of the former rightful and proper owner at any time within three years after such forfeiture shall have accrued, upon payment of the taxes due thereupon, according to the following rules, to wit: That if the said taxes shall be paid in the first year after such forfeiture shall have accrued, there shall be paid an interest of twenty-five per centum per annum on the amount of the said taxes from the time they became due, till paid: If the said taxes shall be paid in the second year after such forfeiture shall have accrued, there shall be paid an interest of fifty per centum per annum on the amount of taxes due as aforesaid: If the said taxes shall be paid in the third year after such forfeiture shall have accrued, there shall be paid an interest of one hundred per centum per annum, as aforesaid: *Provided also*, That nothing in this act shall be so construed as to affect the rights of infants, femes covert, or persons of unsound mind, until one year after the disabi-

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(a) See Rev. Code, vol. 1, ch. 29, pa. 36—ch. 191, pa. 348.

(b) See Rev. Code, vol. 1, ch. 66, sec. 1, pa. 72.

* See ante chap. 20—chap. 79.

lities shall have ceased, on their paying all taxes due, with an interest thereon at the rate of ten per centum per annum on the amount due as aforesaid. 1806.

2. All acts and parts of acts coming within the purview of this act, are hereby repealed. Repealing clause.

3. This act shall commence and be in force from and after the first day of March next. Commencement.

CHAP. CX.

*An Act respecting the Militia of this Commonwealth.**

[Passed January 20, 1807.]

1. BE *it enacted by the General Assembly*, That when application shall be made for the arrest of any officer, in all such cases, the commanding officer to whom such application shall be made, shall determine whether the offence be cognizable before a military tribunal: and in all such cases, the charge or charges exhibited against such officer, shall be supported by affidavit. Officer applied to to arrest another to determine if offence is cognizable by military tribunal. Charge to be supported by affidavit.

2. No officer shall be arrested for any act of which he may be alledged to have been guilty two years previous to the application for such arrest. No arrest to take place after two years

3. If any militia officer shall be convicted of felony, or of any misdemeanor punishable by confinement in the penitentiary house, or by stripes; or of perjury or forgery, such conviction shall completely supersede and annul his commission, and the office which he filled shall be deemed vacant. Certain offences to vacate commissions.

4. When the officers of any troop of cavalry or company of artillery, light infantry, grenadiers or riflemen, shall fail, or have failed, to keep the number of such troop or company equal to one half its full number, for the space of one year, the governor, with advice of council, may issue commissions for officers to command another troop or company, to be annexed to the same regiment, which shall completely supersede the commissions issued to the officers of the former troop or company. Officers of light infantry, &c. failing to keep company full for one year, governor may issue commission to others.

5. It shall be the duty of the officers of artillery and cavalry to attend the training of officers in the regiment wherein they respectively reside, and shall be subject to the same penalties on failure as other officers of equal rank. Officers of cavalry and artillery to attend training of officers.

6. *And be it further enacted*, That none of the volunteer companies of militia hereafter enlisted shall consist of more than seventy-five men rank and file. Volunteer companies not to exceed 75.

7. *And be it further enacted*, That every person hereafter commissioned as a field officer, captain or subaltern, shall, within one month after he shall have received his commission, take the oaths prescribed by law, and, in case of failure, he shall be considered as having vacated his commission; and it shall be the duty of the court of the county wherein such person has been nominated, to proceed forthwith to nominate some other person to supply the vacancy; and in such nomination to certify the cause thereof to the executive. Officer to qualify within one month after receiving commission.

* See ante chap. 36, and notes subjoined.

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Regulations as to public arms.

8. *And be it further enacted*, That wherever the public arms have not been collected and distributed agreeably to the provisions of the act passed at the last session, it shall be the duty of the major or commandant of every battalion where such failure has taken place, forthwith to collect and distribute such arms in the manner directed by the said act. And it shall be the duty of every non-commissioned officer or private, having in his possession any arms distributed before the fourth day of February, one thousand eight hundred and six, to deliver the same, with the accoutrements he may have received, to the commanding officer of the company to which he does, or did belong. Every non-commissioned officer or private neglecting or refusing to deliver such arms or accoutrements when thereto required by such commanding officer, shall forfeit and pay the sum of ten dollars, to be adjudged, collected and applied as other militia fines are.

Duties of officers whose companies have been armed.

9. *And be it further enacted*, That every person who now does command, or heretofore has commanded any company of militia within this commonwealth to whom any public arms have been delivered under the provisions of any act of the general assembly for distribution previous to the fourth day of February, one thousand eight hundred and six, shall, on or before the first day of October, deliver to the major or commandant of the battalion to which such company may belong, all the arms and accoutrements received by him before said time, and which may be delivered to him under the provisions of this act, or he shall deliver the receipts of the non-commissioned officers and privates to whom any arms have been distributed to such major or commandant. Every person failing herein shall forfeit and pay for every stand of arms for which he fails to deliver a receipt, the sum of ten dollars, to be adjudged, collected and applied as other militia fines are: and such person shall moreover be liable in the sum of twenty dollars for every stand of arms by him lost, destroyed or disposed of for his private emolument, to be recovered by motion, on ten days previous notice, in the court of the county in which such person may reside, in the name of the governor for the time being, and to be certified, collected and accounted for by the sheriff in the manner as fines, forfeitures and amercements are.

Duties of officers of battalions to whom arms have been delivered.

10. *And be it further enacted*, That every person, being heretofore a major or commandant of any battalion of militia, and to whom any arms or accoutrements have been delivered for distribution prior to the fourth day of February, one thousand eight hundred and six, shall deliver to the major now commanding such battalion, before the first day of August next, all the arms and accoutrements undistributed, and where such arms, or any part of them, have been distributed, he shall deliver the receipts of the officers commanding companies. Every person failing herein shall forfeit and pay the sum of ten dollars for every stand of arms, or receipt for the same, which he shall fail to deliver; to be adjudged, collected and accounted for as other militia fines are.

Duties of commanding officer of companies.

11. *And be it further enacted*, That it shall be the duty of the commanding officer of every company, who has demanded, or shall demand of any non-commissioned officer or private any arms or accoutrements under the provisions of this act, and where such arms or accoutrements have not been delivered, to apply to any justice of the peace of the county where such arms or accoutre-

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ments may be found, who is hereby empowered and directed to issue a warrant directed to any civil officer of his county, commanding him to take from the possession of such non-commissioned officer, or private, or any other person, into whose possession they may come, any public arms or accoutrements intended to be collected and distributed by this act: and it shall be the duty of every such officer forthwith to obey such warrant and obtain such arms or accoutrements and deliver them to the commanding officer of the company where they have been distributed.

Penalty on persons who have lost public arms, &c.

12. *And be it further enacted*, That every person in whose possession any of the public arms or accoutrements have been destroyed, or who has lost or disposed of any contrary to law, shall be liable to the sum of twenty dollars, to be recovered, by motion in the court of the county where such person may reside, on ten days previous notice, in the name of the governor for the time being, for the use of the commonwealth, to be certified, collected and accounted for, as forfeitures, fines and amercements are.

Officers to report delinquencies, &c.

13. *And be it further enacted*, That it shall be the duty of the commanding officers of companies to report the delinquencies under this act of all non-commissioned officers and privates in their respective companies: and it shall be the duty of the majors or commandants of battalions to report the delinquencies of the commanding officers of companies within their battalions: and it shall be the duty of the commandants of regiments to report the delinquencies of commandants of battalions within their regiments to the proper courts of enquiry: *Provided*, That nothing in this act contained shall be so construed as to apply to the arms distributed by the executive, under the act passed the twenty-first day of January, one thousand eight hundred and one, entituled, "An act to arm the militia of certain towns."

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Regulations where court of enquiry has not been held.

14. And whereas it sometimes happens, as the law now stands, that the officers of regiments are prevented by bad weather or other unavoidable accidents from holding regimental courts of enquiry within the time now limited by law; for remedy whereof, *Be it further enacted*, that whenever a regimental court of enquiry shall be prevented from being holden within the time now limited by law, by bad weather or other unavoidable accident, the commandant of any such regiment is hereby authorised to appoint another day for holding such court; *Provided*, Such day shall not be within less than eight days, nor more than fifteen days after the day last appointed for holding such court; and if a sufficient number of officers shall again be prevented from attending, it shall be lawful for such commandant to renew his appointment as above directed, from time to time for thirty days from the day first appointed for holding such court; reasonable notice being given to the officers and privates of such regiment, of the time and place of holding such court.

15. *And be it further enacted*, That in any case which has happened within this commonwealth, within twelve months last past, where a regimental court of enquiry has not been held, from the causes above-mentioned, it shall be lawful for the officer commanding such regiment, within ninety days after the passage of this act, to appoint and hold a regimental court of enquiry, in the same manner and for the same purposes, as if such court had been held with-

1806. in the time limited by law; reasonable notice being given to the officers and privates of such regiment.

Commencement. 16. This act shall commence and be in force from and after the passing thereof.

CHAP. CXI.

*An Act concerning the Internal Regulations of the Penitentiary House.**

[Passed January 20, 1807.]

Penitentiary law requiring board of inspectors consisting of certain persons, repealed. 1. BE *it enacted by the General Assembly*, That so much of any act or acts as requires that a board of inspectors shall be appointed for the government of the jail and penitentiary house, and ascertains their powers and duties;*(a)* and so much of any act or acts as empowers the said inspectors, with the executive and the attorney general, to form a board, with power to prescribe rules for the internal government of the said jail,*(b)* shall be and the same are hereby repealed.

Certain powers granted the executive. 2. *Be it further enacted*, That it shall and may be lawful for the governor, by and with the advice and consent of council, from time to time to make and ordain all such rules and regulations as to them shall seem expedient, for the purchase of materials for the manufactories carried on within the jail and penitentiary house, and the tools and implements necessary therein; for contracting for the clothing and diet of convicts; for the sale of articles by them manufactured; for providing for and enforcing all such punishments by solitary confinement, low and coarse diet, or by stripes not exceeding thirty-nine, as may be necessary for punishing offences, disobedience, profane cursing and swearing, indecent behaviour, idleness and other breaches of duty and good order, committed within the jail and penitentiary house by the convicts therein confined; which rules and regulations so ordained and established, it shall be the duty of the keeper, his clerks, assistants and turnkeys to obey and execute.

Certain other powers granted. 3. *Be it further enacted*, That in addition to the powers hereby vested in the governor and council, it shall and may be lawful for them from time to time to execute any or all of the powers and duties at any time heretofore vested in, or enjoined upon, the mayor of the city of Richmond,*(c)* the court of the said city,*(d)* the inspectors, or the inspectors with the governor and council and the attorney general, whenever the exercise of all or any of the powers aforesaid shall to them appear expedient and necessary for the good government of the jail and penitentiary house.

Executive to contract for diet, 4. *Be it further enacted*, That so much of any act or acts of assembly as allows to the keeper of the said jail any commission or

* See Revised Code, vol. 1, ch. 200, pa. 355—ch. 264, pa. 402—ch. 279, pa. 410—ch. 284, pa. 413—ante ch. 16—ch. 21—ch. 41—ch. 55.

(a) See Rev. Code, vol. 1, ch. 200, pa. 355.

(b) Ante ch. 41, sec. 5.

(c) Rev. Code, vol. 1, ch. 200, sec. 36.

(d) Ibid. sec. 35, 37, 38—Rev. Code, vol. 1, ch. 284, sec. 3.

commissions upon the purchase or sale of any article or manufacture, shall be, and the same is hereby repealed: *(a)* But the governor, with the advice of council, may nevertheless contract with the said keeper, or with any other person or persons, for the diet and clothing of the prisoners; for the purchase of materials, tools and implements, and for the sale of wares and merchandize manufactured within the said jail, on such terms as to them shall seem most advisable for the public interest, and from time to time may make such reasonable allowances, or commissions on the objects aforesaid, as they shall deem proper. 1806. raw materials, &c.

5. The said keeper shall compel every prisoner to perform his daily labor, unless such prisoner shall have been placed on the list of invalids by the physician, whose duty it shall be to visit the penitentiary once in every day (Sundays excepted) from the first of July to the first of November, once in two days the residue of the year, for the purpose of examining the convicts as to their health and ability to work. Keeper to compel prisoners to perform their duties. Duties of Physician.

6. The salary of the physician appointed by the executive to visit the jail or penitentiary, shall be five hundred dollars, to commence from the first day of January, one thousand eight hundred and seven. Physician's salary.

7. This act shall commence in force from and after the passing thereof. Commencement.

CHAP. CXII.

*An Act concerning the distribution of Public Arms.**

[Passed January 21, 1807.]

1. BE *it enacted by the General Assembly*, That it shall be the duty of the executive to distribute the public arms now on hand, in the capitol, barracks and armory, and which shall be hereafter manufactured, by forwarding them to the colonel commandant of each regiment, so as that there shall not remain at any time undistributed a greater number than three thousand muskets, one hundred and fifty rifles, one hundred and fifty pistols, and one hundred and fifty swords. Executive to distribute public arms.

2. The arms remaining undistributed shall be kept in the armory. Arms to be kept in armory.

3. It shall be the duty of the executive, after arming the militia of the towns of Richmond, Norfolk, Fredericksburg, Hampton and Petersburg, and the counties of Henrico, Chesterfield, Dinwiddie and Norfolk, according to the provisions hereafter mentioned, to distribute arms to every regiment in the commonwealth, in proportion to its strength. Certain towns & counties to be armed.

4. A receipt shall be taken from every colonel for the arms delivered to him, and he shall be answerable to the state for the value thereof, unless he delivers the same over to the commanding officers of battalions. Colonels to give receipts for arms.

(a) Rev. Code, vol. 1, ch. 200, sec. 37.

* See ante ch. 41, and notes subjoined.

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Majors, when liable for arms.

5. The commanding officers of battalions shall be answerable to the state unless they deliver the same over to the commanding officers of companies.

Captains, when liable.

6. The commanding officers of companies shall be answerable to the state for the value of the arms received, unless they distribute them as hereafter is provided.

What persons to be armed.

7. There shall be delivered to every freeholder and responsible house keeper, arms for himself, if he is on the militia roll, and for every son he may have who is on the militia roll, and a member of his family. There shall also be delivered to every militia man, who is not a freeholder or responsible house keeper, arms for himself, if a freeholder or responsible house keeper will join him in a receipt for the same.

Light companies, how to be armed.

8. In the future distribution of the public arms, the light companies shall be armed by entire companies, in the first place with the arms which have been or shall be manufactured for the light infantry, and the rifle companies with rifles; and the arms now in the hands of the said light companies shall, in that event, be distributed amongst the body of the militia.

Loss of arms, how to be compensated for.

9. In case of loss of arms, satisfaction for the same, to be awarded by the courts martial, shall be made by the person or persons who shall have received the same, to the commonwealth, at the following prices; for a musket, twenty dollars; for a ramrod, one dollar; for a bayonet, two dollars; for a cartouch box, two dollars; for a pistol, five dollars; for a sword, ten dollars; for a pair of holsters, five dollars, and for a rifle, thirty dollars.

Penalties on offenders.

10. If any militia man, or other person, shall sell, buy or give away, any part of the public arms, or carry the same out of the bounds of his regiment, with intent to defraud the commonwealth, he shall be considered as guilty of a misdemeanor, and being convicted thereof at any time within five years, on information or indictment, in any county or district court, shall be amerced in a sum not exceeding fifty dollars, and imprisoned for a term not exceeding twenty days, at the discretion of the jury.

Fines for not keeping arms, &c. in order.

11. *Be it enacted*, That each non-commissioned officer or private, who shall have been or may be armed by the public, shall be fined fifty cents for each article of his accoutrements which shall be out of order; and it shall be the duty of the captain or commanding officer of every company armed as aforesaid, to note down at every muster, each and every breach of this law, and make report of the same to the battalion court of enquiry.

Captains to examine arms and make report.

12. *Be it further enacted*, That it shall be the duty of every captain, in the hands of whose company, there are or may be public arms, at the next April muster, and at every subsequent muster, to examine the same, and make report of such arms as are out of order, to the colonel commandant, whose duty it shall be to have the same repaired, the expense of which, shall, by order of the colonel, be paid out of the militia fines of the regiment; or any money in the treasury proceeding from militia fines, not heretofore appropriated.

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13. The executive shall cause such public arms in the city of Richmond, as need repair, and are worth repairing, to be immediately repaired at the armory. Executive to have arms repaired.

14. It shall be the duty of all militia officers, justices of the peace, sheriffs, sergeants and constables, to seize all arms, that they shall have cause to believe belong to the state, and are sold, given or carried away as aforesaid; and if any suit is brought against any such officer, for any such seizure, the onus probandi shall lie on the plaintiff, and the officer shall not pay any costs. Duties of officers, &c. to prevent loss of arms.

15. If any commanding officer of the company shall observe the arms in possession of any non-commissioned officer or private thereof to be injured or kept in bad order, he shall report the same to the next battalion court of enquiry, who shall assess a fine on such non-commissioned officer or private, of not less than two, nor more than twenty dollars, and he may at his discretion seize and take away such arms. Fine for arms being in bad order.

16. Any freeholder or house keeper, not being a quaker, dunker or menonist, refusing to receive public arms when tendered to him, shall forfeit twenty dollars for every refusal, to be assessed by the battalion court of enquiry, and it shall be the duty of the officer to repeat the tender of such arms from time to time as shall be convenient. Quakers, menonists and dunkers not compelled to receive arms.

17. Nothing in this act shall be construed to prevent arming the militia by entire companies. Proviso.

18. This act shall be in force from the passage thereof. Commencement.

CHAP. CXIII.

*An Act imposing Taxes for the Support of Government.**

[Passed January 21, 1807.]

1. BE *it enacted by the General Assembly*, That the public taxes for the year one thousand eight hundred and six, shall be as follows, to wit: On lands for every hundred dollars value, agreeably to the equalising law, forty-eight cents; for every slave above the age of twelve years, except such as shall be or have been exempted in consequence of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse or jack-ass, twice the price such horse or ass covers a mare by the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary license five dollars on every hundred dollars of the rent of such ordinary, to be ascertained by the rent paid by the tenant, and where such tavern is in the occupation of the proprietor, the yearly value shall be ascertained by the commissioners of the revenue: *Provided*, That for every ordinary license, not less than twelve dollars and fifty cents shall be paid; for every four wheeled riding carriage, except phætons and stage waggons, one dollar and twenty-five cents per wheel; for all phætons and stage waggons, eighty-four cents per wheel; and for every other riding carriage with two wheels, forty-three cents per wheel; for all houses and lots in town, one dollar and fifty-six cents on every hundred dollars of the rent thereof, to be ascertained by the rent Taxes for 1806. Proviso.

* See ante ch. 85, as to the collection of the taxes—See also ante ch. 18, and notes subjoined.

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paid by the tenant, and where such lot or house is in the occupation of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by comparison of its value with that of other houses or lots actually rented; on every license to sell merchandize of foreign growth or manufacture by wholesale and retail, forty dollars; on every license to retail such goods, fifteen dollars; on every license to a hawker or pedlar, twenty dollars; *Provided*, That no taxes shall be collected on lands, lots, houses, or other property belonging to this commonwealth, or to any county, town, college or seminary of learning, or attached to any house or houses for divine worship. *And provided also*, That nothing in this act shall be so construed as to prevent any farmer or planter from selling salt, tea, sugar, coffee, spices, iron or steel, to his neighbours, when such articles were purchased as a return load on carrying his produce to market in his waggon or otherwise.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. CXIV.

An Act to appropriate the Public Revenue.

[Passed January 21, 1807.]

Appropriation of the public revenue.

1. BE *it enacted by the General Assembly*, That the taxes and arrearages of taxes due prior to the year one thousand eight hundred and five, and all other branches of public revenue which arise to the commonwealth prior to the first day of January, one thousand eight hundred and eight, and the surplus of all appropriations heretofore made, shall constitute a general fund, and be appropriated in the following manner: For the expenses of the general assembly at their next session, forty thousand dollars; for the officers of civil government, fifty-eight thousand dollars; officers of militia, four thousand dollars; criminal prosecutions and guards, thirty-five thousand dollars; slaves executed and transported, five thousand five hundred dollars; lunatic hospital, six thousand five hundred dollars; Richmond public guard, fifteen thousand dollars; building the manufactory of arms, including unsatisfied claims, four thousand dollars; expenses of manufacturing arms, including officers' salaries and unsatisfied claims, fifty-four thousand dollars; foundery and boring-mill, seven thousand five hundred dollars; for repairs to the James river canal warehouse, one hundred dollars; expense of public warehouses, three thousand dollars; expenses of removing convicts to the penitentiary, and of their confinement therein, including officers' salaries, eight thousand dollars; public services of district court clerks, two thousand three hundred dollars; interest on the public debt registered, five thousand nine hundred dollars; interest due persons who paid money into the treasury on account of British debts, three thousand dollars; pensioners, five thousand dollars; expenses of representation to congress, and the state senate, four hundred dollars; instalment on state shares in the Bank of Virginia, thirty thousand dollars; interest payable to the bank in January and July, one thousand eight hundred and seven, nine thousand dollars; commissioners of the revenue, thirteen thousand five hundred dollars; for contingent fund, thirteen thousand seven hun-

dred and fifty dollars; to pay the amount of warrants issued by the auditor of public accounts, as a bounty allowed by law on wolf scalps, to be paid after the first day of October next, three thousand dollars; to pay the warrant of the auditor of public accounts, in favor of Adam Baird and Adam Hosier, the sum of sixteen hundred and thirty-one dollars and seventy-five cents, being the amount of a judgment of the district court of Richmond, in behalf of Baird and Hosier against the commonwealth, to be paid after the first day of October next; for payment of warrants that may be drawn on the militia fine fund, four hundred dollars; for Upper Appomattox company, six hundred and twenty-five dollars; to pay the debt due the estate of Robert Tucker, deceased, nineteen thousand two hundred and three dollars, thirty-three cents, to be paid after the first day of October next, with legal interest on ten thousand eight hundred and three dollars, and thirty-three cents, the principal debt, from the sixth day of January, one thousand eight hundred and seven, until the first of October in the same year. 1807.

2. This act shall be in force from and after the passing thereof. Commencement.

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the seventh day of December, one thousand eight hundred and seven.

CHAP. CXV.

An Act altering the Sessions of the Court of Appeals, and for other purposes. *

[Passed December 24, 1807.]

1 BE *it enacted by the General Assembly*, That instead of the times appointed by law, for the sessions of the court of appeals, the terms of the said court, shall in future be held at the following times in every year, and continue the number of days herein after mentioned, unless the business before the said court be sooner done; the first shall commence on the first day of March, and continue twenty-seven juridical days; the second shall commence on the fifteenth day of April, and continue forty-four juridical days; and the third shall commence on the first day of October, and cotinue fifty-five juridical days. When any day appointed for the commencement of a term, shall be Sunday, such term shall commence on the succeeding day. Times of holding sessions of the court of appeals changed.

2. *And be it further enacted*, That if from sickness or any other cause, a sufficient number of the judges to constitute a court, shall not attend on the first day of any term, the said court shall stand adjourned from day to day, for ten days successively, or until a sufficient number shall attend, and if that shall not happen before four o'clock of the tenth day, then the court shall stand adjourned, and all suits depending therein, continued to the next court. And if during any session, after a court shall have been constituted, a sufficient number of judges to make a court do not attend, there shall be no discontinuance of the term, but the court shall stand adjourned, from day to day, till a sufficient number shall attend; Provision in case judges should not attend on the first day of a term or afterwards sufficient to form a court.

* See ante. ch 102.

1807.

Provided, that shall happen in ten days, and if it does not, then the court and all suits therein depending, shall stand adjourned to the first day of the succeeding term.

Repealing clause

3. So much of any act or acts, as is contrary to this act, shall be, and is hereby repealed.

Commencement

4. This act shall commence in force, from the passing thereof.

CHAP. CXVI.

*An Act concerning the Court of Chancery for the Richmond District.**

[Passed January 30, 1808.]

Terms of the court changed.

1 BE *it enacted by the General Assembly*, That the first session of the superior court of chancery for the Richmond district, shall hereafter commence on the first day of February; the second session, on the first day of June; and the third session, on the first day of September, in each year; and each session shall continue twenty-four juridical days, if business requires: When any of the said days shall be Sunday, such term shall commence on the succeeding day.

Chancellor may grant appeal, &c.

2. *Be it further enacted*, That nothing in this act shall prohibit the judge in the court of chancery, of the Richmond district, from granting an appeal on any judgment given in the last September term, for good cause shewn, between the first day of February next, and the first day of May next.

Process which has issued, how returnable.

3. All process which has issued from the said court, returnable to the first or seventeenth days of the next term, shall be returnable on the days in the month of March next, which would have been the first or seventeenth days of the session of the said court, if this act had not passed.

Executive to procure seals for superior courts of chancery.

4. The executive shall procure a proper seal for each of the superior courts of chancery.

Commencement.

5. This act shall commence and be in force, from and after the passage thereof.

CHAP. CXVII.

An Act Explanatory of the Act, entituled "An Act, Concerning the Election of Members of General Assembly."†

[Passed January 15, 1808.]

Preamble

WHEREAS doubts have arisen as to the proper construction of the second section of the act, entituled, "an act, concerning the election of members of general assembly," with a view therefore of explaining the same;

Residents alone to vote at elections.

1. *Be it enacted and declared*, That no person inhabiting within the district of Columbia, or elsewhere not within the jurisdiction of this commonwealth, shall be entitled to exercise the right of suffrage therein, except citizens thereof employed abroad in the service of the United States, or of this commonwealth, and whose foreign residence is occasioned by such service.

Commencement.

2. This act shall commence and be in force from the passing thereof.

* See ante ch. 103, and notes subjoined.
† See ante ch. 5, and notes.

CHAP. CXVIII.

1807.

*An Act to amend an Act, entituled "An Act, providing for the Poor, and declaring who shall be deemed Vagrants.**

[Passed January 20, 1808.]

Duty of court where a poor house is erected.

1 BE *it enacted by the General Assembly*, That in all cases where a county or corporation court, have, or hereafter may provide or build a poor house, or work house, for the reception of their poor, and for the reformation of vagrants, it shall be the duty of the overseers of the poor, of such county or corporation, and they are hereby required, to employ and appoint a proper person or persons, as stewards, or managers thereof, who shall be subject to the controul and directions of such overseers, or a majority of them.

Overseers of the poor may adjourn when sufficient number to do business do not meet.

2. *And be it further enacted*, That if on an adjourned meeting of the overseers of the poor, in the month of September in any year, the number required by law do not assemble, it shall be lawful for those present, to adjourn from time to time, until a sufficient number assemble to proceed to business, observing in all other respects, the regulations required by the act, providing for the poor, and declaring who shall be deemed vagrants.

Repealing clause.

3. *And be it enacted*, That all acts and parts of acts, within the purview of this act, shall be, and are hereby repealed.

Commencement.

4. This act shall commence and be in force from the passing thereof.

CHAP. CXIX.

An Act to prevent further the practice of Slaves going at large, or Hiring out themselves.†

[Passed January 29, 1808.]

Slaves going at large, how to be dealt with.

1 BE *it enacted by the General Assembly*, That if any person shall permit his or her slave, or any slave hired by him or her, to go at large, or hire himself or herself out, it shall be lawful for any person, and it shall moreover be the duty of every sheriff, deputy sheriff, coroner, and constable, of a county, and sergeant, coroner, and constable of a corporation, to apprehend and carry such slave before a magistrate of the county or corporation where apprehended, and if it shall appear to the magistrate, that such slave hath been permitted to go at large, or hire himself or herself out, he shall forthwith impose on the owner of such slave, or the person permitting him or her to go at large, or hire himself or herself out, a fine not less than ten dollars, nor more than twenty dollars; or may, in his discretion, order the slave to the jail of the county or corporation, there to be safely kept until the next court, when, if it shall appear to the court, that such slave hath been permitted to go at large, or hire himself or herself out contrary to law, it shall be lawful for the said court in their discretion, and they are hereby required, either to impose on the owner of such slave, or the person permitting him or her to go at large, or hire himself or herself out as aforesaid, a fine not less than twenty dollars, nor more than fifty dollars, or order the sheriff or other officer, of their county or corporation, to sell every

* See ante ch. 50, and notes.
† See ante ch. 69, and note.

1807. such slave agreeably to the law in such case made. And in every case of a fine imposed under this act, the slave shall be held in custody and liable therefor, and may be sold by order of the magistrate or court imposing the same, and in satisfaction thereof, and all incidental charges, unless the same be paid within ten days after such fine is imposed; upon payment whereof, the said slave shall be discharged. All such fines shall be for the benefit of the poor of the county or corporation wherein the same are imposed; *Provided*, That no sale of a slave for a fine under this act, shall convey a greater interest in such slave than is held by the person incurring the fine, unless it shall appear that the owner of such slave was privy to, or connived at, the breach of this act.

Commencement. 2. This act shall be in force, from the first day of June next.

CHAP. CXX.

An Act to organize and establish a Superior Court of Law in each County of this Commonwealth.

[Pssed February 1, 1808.]

Arrangement of the counties into circuits, to each of which one judge of the General Court allotted

1 BE *it enacted by the General Assembly*, That the state shall be divided into twelve judicial circuits, and to each circuit respectively, shall be allotted a judge of the general court, who shall hold a superior court of law twice a year, at the court house of each county, in the circuit to which he may be allotted, at the times and in the manner herein after prescribed, that is to say:— A court shall be holden in the county of Prince George, on the first day of April and on the first day of September; in the county of Surry, on the sixth day of April and on the sixth day of September; in the county of Sussex, on the thirteenth day of April and on the thirteenth of September; in the county of Southampton, on the twentieth of April and on the twentieth of September; in the county of Isle of Wight, on the twenty sixth of April and twenty-sixth of September; in the county of Nansemond, on the first of May and first of October; in the county of Princess Anne, on the eighth of May and eighth of October; and in the county of Norfolk, on the sixteenth of May in the borough of Norfolk, and on the sixteenth of October in the town of Portsmouth, in each year, which counties shall compose the first circuit. A court shall be holden in the county of Greensville, on the first of April and first of September; in the county of Brunswick, on the seventh of April and seventh of September; in the county of Mecklenburg, on the fourteenth of April and fourteenth of September; in the county of Lunenburg, on the twenty-second of April and twenty-second of September; in the county of Prince Edward, on the twenty-eighth of April and twenty-eighth of September; in the county of Amelia, on the sixth of May and sixth of October; in the county of Nottoway, on the fourteenth of May and fourteenth of October; and in the county of Dinwiddie, on the twenty-second of May and twenty-second of October, in each year, which counties shall compose the second circuit. A court shall be holden in the county of Campbell, on the first of April and first of September; in the county of Halifax, on the fifteenth of April and fifteenth of September; in the county of Pittsylvania, on the twenty-third of April and twenty-third of September; in the county of Henry, on the second of May and second of October; in the county of Pa-

trick, on the seventh of May and seventh of October; in the county of Franklin, on the twelfth of May and twelfth of October; and in the county of Bedford, on the seventeenth of May and seventeenth of October, in each year, which counties shall compose the third circuit. A court shall be holden in the county of Grayson, on the first of April and first of September; in the county of Washington, on the eighth of April and eighth of September; in the county of Lee, on the eighteenth of April and eighteenth of September; in the county of Russell, on the twenty-eighth of April and twenty-eighth of September; in the county of Tazewell, on the eighth of May and eighth of October; in the county of Giles, on the seventeenth of May and seventeenth of October; in the county of Montgomery, on the twenty-sixth of May and twenty-sixth of October; and in the county of Wythe, on the sixth of June and sixth of November, in each year, which counties shall compose the fourth circuit. A court shall be holden in the county of Chesterfield, on the twenty-fourth of March and twenty-fourth of August; in the county of Henrico, on the third of April and third of September; in the county of New-Kent, on the twentieth of April and on the twentieth of September; in the county of Charles City, on the twenty-sixth of April and on the twenty-sixth of September; in the county of James City, on the second day of May and on the second day of October; in the county of York, on the sixth day of May and on the sixth day of October; in the county of Warwick, on the fourteenth day of May and on the fourteenth day of October; in the county of Elizabeth City, on the twentieth day of May and on the twentieth day of October, in each year, which counties shall compose the fifth circuit. A court shall be holden in the county of Louisa, on the first of April and first of September; in the county of Fluvanna, on the eighth of April and eighth of September; in the county of Cumberland, on the fifteenth of April and fifteenth of September; in the county of Buckingham, on the twenty-second of May and twenty-second of September; in the county of Goochland, on the twenty-ninth of April and twenty-ninth of September; in the county of Powhatan, on the eighth of May and eighth of October; in the county of Hanover, on the fifteenth of May and fifteenth of October; and in the county of Caroline, on the twenty-second of May and twenty-second of October, in each year, which counties shall compose the sixth circuit. A court shall be holden in the county of Accomack, on the first of April and first of September; in the county of Northampton, on the ninth of April and ninth of September; in the county of Mathews, on the eighteenth of April and eighteenth of September; in the county of Gloucester, on the twenty-fifth of April and twenty-fifth of September; in the county of Middlesex, on the first of May and first of October; in the county of Essex, on the ninth of May and ninth of October; in the county of King William, on the sixteenth of May and sixteenth of October; and in the county of King and Queen, on the twenty-fourth of May and twenty-fourth of October, in each year, which counties shall compose the seventh circuit. A court shall be holden in the county of Lancaster, on the first of April and first of September; in the county of Northumberland, on the seventh of April and seventh of September; in the county of Richmond, on the fourteenth of April and fourteenth of September; in the county of Westmoreland, on the twenty-first of April and twenty-first of September; 1807.

1807. in the county of King George, on the twenty-ninth of April and twenty-ninth of September; in the county of Stafford, on the sixth of May and sixth of October; in the county of Prince William, on the fourteenth of May and fourteenth of October; and in the county of Fairfax, on the twenty-second of May and on the twenty-second of October, in each year, which counties shall compose the eighth circuit. A court shall be holden in the county of Spottsylvania, on the twenty-second of March and the twenty-second of August; in the county of Fauquier, on the first of April and first of September; in the county of Culpeper, on the eighth of April and eighth of September; in the county of Madison, on the sixteenth of April and sixteenth of September; in the county of Orange, on the twenty-fourth of April and twenty-fourth of September; in the county of Albemarle, on the second of May and second of October; in the county of Amherst, on the tenth of May and eighteenth of October; and in the county of Nelson, on the eighteenth of May and tenth of October, in each year, which counties shall compose the ninth circuit. A court shall be holden in the county of Loudon, on the first of April and first of September; in the county of Jefferson, on the seventh of April and seventh of September; in the county of Berkeley, on the fourteenth of April and on the fourteenth of September; in the county of Hampshire, on the twenty-second of April and twenty-second of September; in the county of Hardy, on the twenty-eighth of April and twenty-eighth of September; in the county of Rockingham, on the seventh of May and seventh of October; in the county of Shenandoah, on the fifteenth of May and fifteenth of October; and in the county of Frederick, on the twenty-third of May and twenty-third of October, in each year, which counties shall compose the tenth circuit. A court shall be holden in the county of Augusta, on the first of April and on the first of September; in the county of Rockbridge, on the eighth of April and on the eighth of September; in the county of Botetourt, on the sixteenth of April and on the sixteenth of September; in the county of Monroe, on the twenty-second of April and on the twenty-second of September; in the county of Greenbrier, on the thirtieth of April and on the thirtieth of September; in the county of Bath, on the eighth of May and on the eighth of October; in the county of Pendleton, on the sixteenth of May and on the sixteenth of October; and in the county of Randolph, on the twenty-fifth of May and on the twenty-fifth of October, in each year, which counties shall compose the eleventh circuit. A court shall be holden in the county of Brooke, on the first of April and first of September; in the county of Ohio, on the eighth of April and on the eighth of September; in the county of Monongalia, on the fifteenth of April and on the fifteenth of September; in the county of Harrison, on the twenty-fourth of April and on the twenty-fourth of September; in the county of Wood, on the third of May and on the third of October; in the county of Mason, on the twelfth of May and on the twelfth of October; in the county of Kanawha, on the twenty-fourth of May and on the twenty-fourth of October, in each year, which counties shall compose the twelfth circuit. Each of the aforesaid courts, shall sit until the business thereof shall be dispatched, unless the judge holding the same, be compelled to leave the court, in order to arrive in time, to the next succeeding court of his circuit. And whenever any of the aforesaid court days, shall happen on a Sunday, the court shall commence on the next day.

Court to sit till business is dispatched, unless another shall interfere.

1807.

2. *Be it further enacted*, That the superior courts of law, to be holden as aforesaid, in each of the said counties of this commonwealth, shall have, possess and exercise, all the rights, jurisdictions and powers, whether criminal or civil, over all persons and things, within the limits of the respective counties, in which they may be holden, that the district courts of law do possess, and might or could have exercised under the law as heretofore, within their respective limits. Jurisdiction of the courts.

3. The practice and proceedings in the said superior courts of law, shall be regulated by the same laws and rules, as have been enacted and established, and do now exist for the regulation of the proceedings of the district courts of law. Practice and proceedings same as district courts.

4. The same right of appeal, which is now allowed from the county and corporation courts, to the district courts of law, shall still be had to the said superior courts of law, and all process issuing under the law as heretofore, and which would have been returned to the district courts of law or any of them, shall be in future returned to the superior court of the county, in which the said process may issue. Also right of appeal to and

5. The right of appeal, shall remain and be exercised as heretofore used in the district courts. From said courts

6. The sheriffs of counties, shall act as sheriffs of the aforesaid superior courts holden in their respective counties, and shall summon and impannel therefor, grand juries as they have been heretofore summoned for the district courts. The said sheriffs and clerks, shall moreover do and perform, all the duties appertaining to clerks of, and sheriffs attending on, the district courts, under the law as at present. The judge of each circuit, shall appoint for their respective courts, a prosecutor for the commonwealth, who shall be allowed five dollars per day, for every day he may be engaged in the public service, to be certified by the judge; *Provided*, that the sum received by any attorney, shall not exceed the sum of fifty dollars per annum, for services in any one of the said superior courts. Sheriffs of counties to act as sheriffs of said courts. Their duties. Judge to appoint prosecutor for the Commonwealth. His wages. Proviso.

7. All officers' fees, for their services in suits in the aforesaid superior courts of law, shall be the same as are allowed at this time, for similar services in the present district courts of law. Fees of officers.

8. All causes depending in the present district courts of law at the time when this act shall go into operation, shall be arranged by the respective clerks thereof, and all the papers and documents belonging to each cause, shall be by the said clerks, transmitted to the clerks of those counties respectively, in which the first named defendant in the cause may reside, or where there are more than two defendants, to the clerk of the county, wherein a majority of the defendants reside: *Provided*, a majority reside in any one county, together with a state of the costs accrued in each cause, and the superior courts of the counties, to which the said causes may be sent, shall take cognizance thereof. The clerks of the aforesaid superior courts of law, in the counties wherein the present district courts of law are holden, shall receive into their possession, and are hereby charged with the custody of the books, records and papers, belonging to the said district courts of law, holden as aforesaid, in their said counties; and in default of the present clerks of the said district courts of law, making the arrangements Causes depending in present district courts, how to be arranged, &c.

1807. 22. This act shall commence and be in force, from and after the first day of January next.

CHAP. CXXI.

An Act Supplemental to the Act, entitled, "An Act, to organize and establish a Superior Court of Law in each County of this Commonwealth."

[Passed February 16, 1808.]

Judges to make an allowance to Clerks for public services.

1 THE Judge of the superior court of each county, shall make such allowance to the clerk thereof, for his services in behalf of the commonwealth, as may be deemed reasonable; *Provided*, the same shall not exceed thirty dollars for any one year. An allowance or compensation shall be made in like manner to the sheriffs and jailors of the superior courts of counties, for their services for the commonwealth; *provided*, no sheriff of any one of the said courts shall be allowed a sum exceeding twenty dollars, and no jailor thereof a sum exceeding thirty dollars per year.

And to Sheriffs and Jailers.

Venire men not to be paid. Witnesses same allowance as county courts.

2. In future venire men shall not be entitled to any compensation for their services, and witnesses in all cases attending in the said superior courts, shall be entitled only to the same allowance as witnesses attending in the county courts.

Sheriff limited in number of guards for prisoners.

3. No sheriff shall summon more than two guards, to assist him in conveying any one convict to the penitentiary.

Judge to take an oath.

4. Each judge of the general court, before he shall act as a judge of the circuit courts, shall take an oath as a judge of such circuit courts, similar to that heretofore taken by a judge of the district courts, which oath may be taken before the executive, any court of record, or justice of the peace. A certificate whereof, shall be recorded in the general court, or a court in the circuit wherein such judge shall first sit.

Henrico circuit court to be held at the Capitol, & James City at the former Capitol in Williamsburg.

5. The circuit court directed to be holden for the county of Henrico, shall be held at the capitol in the city of Richmond, and that to be holden for James City county, shall be held at the former capitol in Williamsburg.

Provision in case judge should not attend the first day of a court.

6. If the judge shall not attend on the first day of any circuit court, such court shall stand adjourned from day to day, until a court shall be made, if that shall happen before four of the clock in the afternoon of the third day. If a court shall not sit in any term, or shall not continue to sit the whole term, or before the end of the term, shall not have heard and determined all matters ready for their decision, all such suits and things depending in court and undecided, shall stand continued to the next succeeding term. If from any cause the court shall not sit on any day in a term after it shall have been opened, there shall be no discontinuance; but so soon as the cause is removed, the court shall proceed to business until the end of the term, if the business depending before them be not sooner dispatched.

Regulation as to appeals, &c.

7. *Be it further enacted*, That appeals, writs of error, supersedeas, and certiorari, shall lie, and be had from the judgments of the superior courts established by the act, to which this is a supplement, in the same manner, and to the same jurisdictions, as from the judgments of the district courts at present.

1807.

Deeds, &c. partly proved in district courts, how finished.

8. *Be it further enacted*, That deeds, wills, and other instruments, partly proved in any district court before the first day of January next, shall and may be fully proved and recorded in the superior court of the same county, in which such deeds, wills or other instruments shall have been in part proved.

Superior court in Richmond to exercise special power, &c.

9. *Be it further enacted*, That the superior court directed by this act, to be holden in the city of Richmond, shall possess and exercise all the special powers now exercised by the district court holden in the said city.

How to proceed when judge is interested.

10. *Be it further enacted*, That if either of the judges of the general court be interested in any suit which in the case of any other person would have been proper for the jurisdiction of such judge, it shall be lawful to institute such suit, in any court within an adjacent circuit; and the process from such adjacent court may be served in the circuit to which such judge shall be allotted or in which he shall reside; and such proceedings shall be thereupon had.

Court of Charlotte.

11. *Be it further enacted*, That the county of Charlotte, shall belong to the third circuit, established by the act, to which this is a supplement, and a superior court of law, shall be holden for the same, on the eighth of April and eighth of September, in every year.

Certiorari to remove proceedings on forcible entry, &c. how to be obtained.

12. A certiorari to remove proceedings on a forcible entry and detainer, or for any other purpose except the removal of a suit from an inferior court, may hereafter be granted in vacation, and without notice, by any judge of a circuit court, within their respective jurisdictions.

Commencement.

13. This act shall commence and be in force from and after the first day of January next.

CHAP. CXXII.

*An Act to amend the Act, entituled, "An Act reducing into one the several Acts for apprehending and securing Runaways."**

[Passed February 1, 1808]

Reward for apprehending runaway.

1 BE *it enacted by the General Assembly*, That any person who may hereafter apprehend a runaway slave, shall be entitled to the reward of two dollars, and mileage as heretofore.

Sheriff, how to advertise.

2. *Be it further enacted*, That in cases where the sheriff or sergeant of any county or corporation, is required to advertise any runaway in the Virginia Gazette, it shall be lawful for such officer to publish such advertisement, in any public newspaper, most convenient for that purpose.

How to proceed when owner does not claim

3. *And be it further enacted*, That if any runaway slave be hired out by any sheriff or sergeant, and the owner claim not within three months, the said sheriff or sergeant, shall proceed to hire the runaway out for three months more; and so on for twelve months, unless the owner sooner claim such runaway. If the owner claim not within twelve months, the sheriff or sergeant, shall advertise for one month in some public newspaper, the time and place of selling the said runaway.

* See Rev. Code, vol. 1, ch. 131, pa. 246.

1807. 22. This act shall commence and be in force, from and after the first day of January next.

CHAP. CXXI.

An Act Supplemental to the Act, entituled, "An Act, to organize and establish a Superior Court of Law in each County of this Commonwealth."

[Passed February 10, 1808.]

Judges to make allowance to Clerks for public services.

1 THE Judge of the superior court of each county, shall make such allowance to the clerk thereof, for his services in behalf of the commonwealth, as may be deemed reasonable; *Provided*, the same shall not exceed thirty dollars for any one year. An allowance or compensation shall be made in like manner to the sheriffs and jailors of the superior courts of counties, for their services for the commonwealth; *provided*, no sheriff of any one of the said courts shall be allowed a sum exceeding twenty dollars, and no jailor thereof a sum exceeding thirty dollars per year.

And to Sheriffs and Jailors.

Venire men not to be paid. Witnesses same allowance as county courts.

2. In future venire men shall not be entitled to any compensation for their services, and witnesses in all cases attending in the said superior courts, shall be entitled only to the same allowance as witnesses attending in the county courts.

Sheriff limited in number of guards for prisoners.

3. No sheriff shall summon more than two guards, to assist him in conveying any one convict to the penitentiary.

Judge to take an oath.

4. Each judge of the general court, before he shall act as a judge of the circuit courts, shall take an oath as a judge of such circuit courts, similar to that heretofore taken by a judge of the district courts, which oath may be taken before the executive, any court of record, or justice of the peace. A certificate whereof, shall be recorded in the general court, or a court in the circuit wherein such judge shall first sit.

Henrico circuit court to be held at the Capitol, & James City at the former Capitol in Williamsburg.

5. The circuit court directed to be holden for the county of Henrico, shall be held at the capitol in the city of Richmond, and that to be holden for James City county, shall be held at the former capitol in Williamsburg.

Provision in case judge should not attend the first day of a court.

6. If the judge shall not attend on the first day of any circuit court, such court shall stand adjourned from day to day, until a court shall be made, if that shall happen before four of the clock in the afternoon of the third day. If a court shall not sit in any term, or shall not continue to sit the whole term, or before the end of the term, shall not have heard and determined all matters ready for their decision, all such suits and things depending in court and undecided, shall stand continued to the next succeeding term. If from any cause the court shall not sit on any day in a term after it shall have been opened, there shall be no discontinuance; but so soon as the cause is removed, the court shall proceed to business until the end of the term, if the business depending before them be not sooner dispatched.

Regulation as to appeals, &c.

7. *Be it further enacted*, That appeals, writs of error, supersedeas, and certiorari, shall lie, and be had from the judgments of the superior courts established by the act, to which this is a supplement, in the same manner, and to the same jurisdictions, as from the judgments of the district courts at present.

1807.

8. *Be it further enacted*, That deeds, wills, and other instruments, partly proved in any district court before the first day of January next, shall and may be fully proved and recorded in the superior court of the same county, in which such deeds, wills or other instruments shall have been in part proved. Deeds, &c. partly proved in district courts, how finished.

9. *Be it further enacted*, That the superior court directed by this act, to be holden in the city of Richmond, shall possess and exercise all the special powers now exercised by the district court holden in the said city. Superior court in Richmond to exercise special power, &c.

10. *Be it further enacted*, That if either of the judges of the general court be interested in any suit which in the case of any other person would have been proper for the jurisdiction of such judge, it shall be lawful to institute such suit, in any court within an adjacent circuit; and the process from such adjacent court may be served in the circuit to which such judge shall be allotted or in which he shall reside; and such proceedings shall be thereupon had. How to proceed when judge is interested.

11. *Be it further enacted*, That the county of Charlotte, shall belong to the third circuit, established by the act, to which this is a supplement, and a superior court of law, shall be holden for the same, on the eighth of April and eighth of September, in every year. Court of Charlotte.

12. A certiorari to remove proceedings on a forcible entry and detainer, or for any other purpose except the removal of a suit from an inferior court, may hereafter be granted in vacation, and without notice, by any judge of a circuit court, within their respective jurisdictions. Certiorari to remove proceedings on forcible entry, &c. how to be obtained.

13. This act shall commence and be in force from and after the first day of January next. Commencement.

CHAP. CXXII.

*An Act to amend the Act, entituled, "An Act reducing into one the several Acts for apprehending and securing Runaways."**

[Passed February 1, 1808]

1 BE *it enacted by the General Assembly*, That any person who may hereafter apprehend a runaway slave, shall be entitled to the reward of two dollars, and mileage as heretofore. Reward for apprehending runaway.

2. *Be it further enacted*, That in cases where the sheriff or sergeant of any county or corporation, is required to advertise any runaway in the Virginia Gazette, it shall be lawful for such officer to publish such advertisement, in any public newspaper, most convenient for that purpose. Sheriff, how to advertise.

3. *And be it further enacted*, That if any runaway slave be hired out by any sheriff or sergeant, and the owner claim not within three months, the said sheriff or sergeant, shall proceed to hire the runaway out for three months more; and so on for twelve months, unless the owner sooner claim such runaway. If the owner claim not within twelve months, the sheriff or sergeant, shall advertise for one month in some public newspaper, the time and place of selling the said runaway. How to proceed when owner does not claim

* See Rev. Code, vol. 1, ch. 131, pa. 246.

1807.

4. All acts and parts of acts, coming within the purview of this act, shall be, and are hereby repealed.

Commencement

5. This act shall commence and be in force, from the passing thereof.

CHAP. CXXIII.

An Act concerning the Sale of Property under Executions and Incumbrances.

[Passed February 1, 1808.]

Replevy law revived.

1 BE *it enacted by the General Assembly*, That so much of the act, passed on the tenth day of December, one thousand seven hundred and ninety-three, entituled, "An act, for further continuing and amending the act, entituled, an act for reducing into one, the several acts, concerning executions, and for the relief of insolvent debtors," *(a)* as directs, that when goods or other estate, taken in execution, cannot be sold for three-fourths of their value, the debtor or debtors, may give bond and security to pay the debt within twelve months, or that the said goods, or other estate, may be sold on twelve months credit, and every part of the said recited act, as concerns such executions, either in the appointment of commissioners to carry the same into effect, or for the direction of the sheriff or other officer, or the clerk of any court in suing out execution on any such bond, or of any other person whomsoever, and of every matter or thing thereto appertaining, shall be, and the same is hereby declared to be in full force: And all courts, sheriffs and other officers, as well as the parties concerned, are to govern themselves accordingly, any thing in any law to the contrary notwithstanding.

Commissioners to value estate before sold.

2. *Be it further enacted*, That before any commissioners appointed by the decree of any court of chancery, to sell any real or personal estate, or any trustee under any deed of trust, hereafter executed, shall proceed to sell the estate decreed to be sold, or conveyed in trust, the commissioners directed to be appointed by this act, or any three of them, shall value the estate intended to be sold, on the request of the creditor, and if three-fourths at least of the estimated value, shall not be offered by the highest bidder, the estate shall not then be sold, nor shall it be at any time thereafter sold during the continuance of this act, for less than three-fourths of such estimated value; The valuation shall be made and entered in writing, signed by the commissioners, or any three of them, and delivered to the commissioners appointed by the courts of chancery, and to the trustees respectively. The commissioners who may act by virtue of this section, shall be entitled to the sum of one dollar for each day they shall be employed, to be paid by the creditor, to be taxed in the bill of costs.

Not to be sold for less than three-fourths of its value.

Allowance to Commissioners.

Provisions not to extend to Attornies, Sheriffs, &c

3. The provisions of this act, shall not extend to executions, which may issue against any sheriff or other public officer for delinquencies, or failing to pay money received on executions, nor to executions which may issue against any attorney at law, for money received in behalf of his client or clients.

perty, how to

4. All valuations of property made or to be made by commissioners, shall be according to the ordinary value of property, before the first of December, one thousand eight hundred and seven.

(a) See Rev. Code, vol. 1, ch. 151, pa. 294.

1807.

5. The provisions of this act, shall not be construed to extend to any execution issued upon any judgment obtained by any bank established by law.

Provisions of this act to be extended to executions above ten dollars.

6. The provisions of this act, shall extend to executions issued by any justice of the peace, mayor or alderman, for all sums exceeding ten dollars, exclusive of costs; and the constable or other officer, taking any bond, by virtue of this act, shall return the same within thirty days, to the clerk's office of the county, in which such execution shall have issued, to be proceeded on as other replevy bonds. And all executions which shall be awarded on forthcoming bonds executed before the commencement of this act, shall be proceeded in as other executions: but the proceedings on all forthcoming bonds executed thereafter, shall be as heretofore.

Proceedings on forth coming bonds.

Commencement.

7. So much of this act as authorises the appointment of commissioners, shall be in force from and after the passing thereof: And the several county and corporation courts, shall appoint such commissioners at their next February terms, or as soon thereafter, as practicable; and the residue of this act, shall commence, and be in force, from and after the first day of March next, and continue in force, until the expiration of thirty days after the discontinuance of the embargo, laid by the Congress of the United States during the present session. But so much of this act, and the above recited act, as authorises and directs the manner of proceedings on replevy bonds, taken by virtue of this act, shall be, and the same is hereby made perpetual.

CHAP. CXXIV.

An Act to authorise the Executive to distribute Arms in certain cases.

[Passed February 5, 1808.]

Executive to distribute arms in certain cases.

1 BE *it enacted by the General Assembly*, That the governor, with the advice of the council of state, be, and he is hereby authorised, at his discretion, to arm such portions of the militia of this commonwealth, as may at any time be called into actual service, or who, from their particular situation, may be most exposed to invasion or insurrection; any law to the contrary notwithstanding.

CHAP. CXXV.

An Act authorising William Waller Hening to Publish an Edition of certain Laws of this Commonwealth, and for other purposes.

[Passed February 5, 1808.]

Preamble.

WHEREAS it hath been represented to the present general assembly, by William Waller Hening, that he hath at very considerable trouble and expense, made a collection of all the laws of Virginia, now extant, which have been enacted since the first settlement of this country: And whereas the titles to property to a large amount of money of many of the citizens of this commonwealth depend, in many instances, on an act of the general assembly, which exists only in manuscripts, and of which, there is but a single copy; for the preservation of which titles, it is deemed highly expedient, that such of the laws of Virginia, as were passed prior to the year one thousand seven hundred and ninety-two, when the last revisal was made, should be printed and distributed: And the

1807. said William Waller Hening, having petitioned the legislature to aid him in the publication of the said laws, and so to provide that they may be considered as of legal authority:

To be of authority on the certificate of C. Taylor, Wm. Wirt and Wm. Munford.

1. *Be it therefore enacted*, That upon the certificate of Creed Taylor, William Wirt, and William Munford, or any two of them, being published with the said laws, stating that they had carefully compared the edition of the acts so to be published, with the original laws, and found them to be truly and accurately printed, they shall be received and considered of equal authority in the courts of this commonwealth, as the originals, from which they are taken.

Governor to subscribe on behalf of commonwealth, for 150 copies.

2. *And be it further enacted*, That the governor be, and he is hereby authorised and required, to subscribe on behalf of the commonwealth, and on such terms, as individuals are permitted to subscribe, for one hundred and fifty copies of the edition proposed to be published as aforesaid, the price whereof shall be paid out of the treasury, upon a warrant or warrants to be issued by order of the executive: *Provided*, That the price shall not exceed five dollars per volume, of six hundred pages large octavo, nor shall more than one volume of the said edition to the number of copies taken by the state be paid for out of the treasury in any one year.

How to be distributed.

3. *And be it further enacted*, That the copies so subscribed for on behalf of the commonwealth, shall be distributed by the executive, according to their discretion.

Commencement.

4. This act shall commence and be in force, from the passing thereof.

CHAP. CXXVI.

*An Act amending the Act, entituled, "An Act regulating the manner in which certain Duties shall be performed by the County and Corporation Courts."**

[Passed February 6, 1808]

Majority of justices necessary, when certain duties are performed by the courts.

1 BE *it enacted by the General Assembly*, That in future it shall not be lawful for the justices of any court in this commonwealth to lay any levy, settle with the collector or collectors thereof, or receive from him or them, any list of insolvents, or make any order or orders for payment of money belonging to their respective counties, unless a majority of the acting justices of the court wherein such business is intended to be done shall be present at the time of doing the same, or unless such proceedings shall have been had, as are directed by the act, entituled, "an act regulating the manner in which certain duties shall be performed by the county and corporation courts."

Commencement.

2. This act shall commence and be in force, from and after the first day of June next.

CHAP. CXXVII.

An Act to amend the Act, entituled, "An Act to reduce into one the several Acts, concerning Mills, Mill Dams, and other Obstructions of Water Courses."†

[Passed February 6, 1808.]

Tenant for years having to rebuild mill, remain-

1 BE *it enacted by the General Assembly*, That whenever any tenant for life or for years, of any mill which has been or

* See ante ch. 68. p. 94.
† See ante ch. 100, p. 125—and vol. 1, ch. 105, p. 197.

1807.

shall be destroyed or rendered incapable of grinding for the public use, shall permit the same to remain in that condition for the space of three years without rebuilding such mill; it shall be lawful for the person or persons entitled in remainder or reversion, (after the determination of either of the said particular estates therein, as the case may be) to such mill, to enter upon the premises at the expiration of the said three years, and rebuild such mill for his, her or their own use; and reversioners and remaindermen, as aforesaid, shall have the same length of time to rebuild, as is allowed at present by law to one obtaining an order on leave in the first instance to build a mill.

derman, &c. may rebuild on certain conditions.

2. *Be it further enacted*, That before any reversioner or remainderman shall have the right, as aforesaid, to rebuild any mill, he or they shall sue out his or their writ of *ad quod damnum*, whereupon a jury as in other cases shall assess the damages that will accrue to the tenant for life or years, which damages shall be paid to such tenant, before an order shall be had to rebuild: *Provided*, That nothing in this act contained shall extend to infants, femes covert, persons imprisoned, persons of unsound mind, or beyond seas, until the expiration of three years from the removal of such disability. All acts and parts of acts coming within the purview of this act, shall be and they are hereby repealed.

Must sue out ad quod damnum.

Proviso.

3. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. CXXVIII.

An Act for the Defence of the Eastern Frontier of this Commonwealth.

[Passed February 8, 1808.]

1 BE *it enacted by the General Assembly*, That the Executive of this Commonwealth be, and they are hereby authorised and required, to cause to be mounted on sufficient and proper carriages, all the pieces of artillery belonging to this commonwealth, fit for service, the expense whereof shall be defrayed out of any monies in the treasury.

Executive to cause cannon to be mounted.

2. *And be it further enacted*, That so soon as the consent of Congress shall have been obtained, and the Executive shall deem it expedient, they shall cause to be raised for the service of this commonwealth, eight companies of artillerists, each company to consit of one captain, one first lieutenant, one second lieutenant, onethird lieutenant, four sergeants, four corporals, two musicians, eight artificers, and fifty-six privates, whose monthly pay, rations, and clothing, shall be the same as is allowed by the United States. Every recruit shall be enlisted for five years, unless sooner discharged; and shall on his enlistment receive a bounty of sixteen dollars. The men enlisted to serve in the said corps, shall be able bodied free white citizens, not less than five feet five inches high, and between the ages of eighteen and forty-five years, and such as owe allegiance to no foreign power: But no person under twenty-one years of age shall be enlisted without the consent of his father, guardian, or master, as the case may be.

Consent of Congress being obtained, Executive to raise eight companies of artillerists, if they think it expedient.

3. The compensation to be allowed for wounds or disabilities received by any person belonging to the said corps, while in the line of his duty, in public service, shall be the same as is in like cases, allowed by the United States. And every person belonging to the

Compensation, &c. to soldiers, same as in the army of the United States.

1807. said corps shall take and subscribe the following oath: "I, A. B. "do swear that I will be true to the commonwealth of Virginia; "and will serve faithfully against all the enemies and opposers "thereof; and obey the orders of the Governor, and the orders of "the Officers set over me, according to the rules and articles of "war."

To be governed by the articles of war, &c.

4. The said corps of artillerists shall be in all respects subject to the rules and articles of war, which have been established by Congress, or by such rules as shall be by law established.

Expense, how to be defrayed.

5. The expense of raising and maintaining the said corps, shall be defrayed out of any money in the treasury.

To be employed at the discretion of the Executive.

6. The said corps shall be employed by the Governor or Chief Magistrate of this Commonwealth for the protection thereof, in such manner as he shall think proper.

Executive to cause correct accounts to be kept, &c.

7. And in order that the claim which this state will have upon the general government (who are bound to provide for the common defence) may be sufficiently authenticated, the executive shall cause to be kept correct accounts, supported by proper vouchers, of all the expenses incurred in raising and maintaining the said companies of artillerists.

Commencement.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. CXXIX.

*An Act concerning Sheriffs.**

[Passed February 8, 1808.]

Sheriff levying execution on property how to proceed where the right is disputed.

1 BE *it enacted by the General Assembly*, That if any sheriff or other officer shall levy an execution on property, and a doubt shall arise whether the right of such property is in the debtor, or not, such sheriff or officer, may apply to the plaintiff, his attorney or agent, for his bond with good security for indemnification for the sale of the property seized; which, if the plaintiff, his attorney, or agent, refuses or fails to give, on or before the day of sale, the sheriff or other officer, shall be justified in delivering up such property to the party from whose possession the property was taken.

2. *And be it further enacted*, That if such bond and security be given, it shall be returned with the execution to the office of the court from whence it issued; and any person claiming such property, may in the name of such officer, prosecute his or her suit upon the bond, and recover such damages as the jury may assess; *Provided nevertheless*, That the party claiming such property, shall give to the plaintiff in such execution, his agent or attorney, reasonable notice of his claim, so as to enable him to give such bond and security, before the day of sale, which notice shall be proved to the satisfaction of the sheriff, or other officer, by the affidavit of some disinterested person, before he shall restore the property executed to the claimant.

Proviso.

Party Claiming, not to proceed against sheriff where obligors sufficient.

3. *And be it further enacted*, That the party laying claim to the property, shall be barred of his right of action against the sheriff, unless the obligors in the bond aforesaid prove insolvent.

Commencement.

4. This act shall be in force from the passing thereof.

* See ante ch. 97, p. 122—and vol. 1, ch. 80, p. 128.

CHAP. CXXX. 1807.

*An Act to amend the several Acts prescribing the mode of ascertaining the Taxable Property within the Commonwealth, and for Collecting the Public Revenue, and for other purposes.**

[Passed February 6, 1808.]

Commissioners of the Revenue not to take list of property the year 1808.

BE *it enacted by the General Assembly*, That the commissioners of the revenue within this commonwealth now in office, shall not proceed in the present year to perform the duties required of them by the eighth section of the act, entituled, "An act prescribing the mode of ascertaining the taxable property within the commonwealth and of collecting the public revenue," but shall commence on the first day of March, in the year one thousand eight hundred and nine, and proceed without delay through their respective districts, and call upon every person subject to taxation, or having property in his or her possession or care on which any tax is imposed, for a written list thereof, which list being corrected, if necessary, and distinctly read over by the commissioner, to the person delivering the same, he or she shall then make oath or affirmation, that such list contains a just and true account of all persons, and of every species of property in his or her possession or care within the district (land only excepted) subject to taxation on the last day of February then next preceding; and that no contract, change or removal whatever of property had been made or entered into, or any other method devised, practised or used, in order to evade the payment of taxes; which oath or affirmation the commissioner is hereby empowered and directed to administer. And every commissioner hereafter appointed shall begin to perform his duty on the first day of March annually, and his list of taxable property and land shall have relation to the last day of February preceding, and every list hereafter taken, shall be returned to the persons directed by law, on or before the thirty-first of May in every year. Vacancies which may happen in the office of commissioner of the revenue, may be supplied by the several county and corporation courts at any of their stated sessions.

At what time to commence, &c.

Sheriffs, how to proceed in collecting taxes.

2. It shall be the duty of every sheriff and collector within this commonwealth, to proceed to collect in the present year one thousand eight hundred and eight, all taxes imposed by law, agreeably to the lists taken and returned by the commissioners of the revenue in the year one thousand eight hundred and seven. And the taxes agreeably to lists hereafter to be taken by the commissioners of the revenue, commencing the first day of March, in the year one thousand eight hundred and nine, shall be collected by the sheriffs of the several counties within this commonwealth, in the same year, one thousand eight hundred and nine, in which the lists shall be so taken by the commissioners, and in like manner in each and every year thereafter. And the sheriffs shall on or before the first day of November in each year, instead of the first day of October, pay into the treasury all taxes to be by them collected in such year—And on motion hereafter to be made against any sheriff for judgment by reason of his failing to pay such taxes, no notice thereof shall be necessary: *Provided always*, That if such motion shall not be made at the term of the general court next after the said taxes

When to pay money into the treasury.

Proviso.

* See ante ch. 40, p. 68, and notes subjoined.

1807. shall become due and payable into the treasury, such sheriff or other officer failing to make payment as aforesaid, shall have ten days notice as heretofore.

Ordinary license tax to be paid to clerks.

3. *Be it further enacted*, That the tax required by law to be paid by persons obtaining licenses to keep ordinaries, shall hereafter be paid to the clerks of the several county and corporation courts, instead of the sheriffs and sergeants of the respective counties and corporations; and the said clerks shall account for and pay the same into the treasury at the same time, under the same penalties, be liable to the like recovery against them, in case of delinquency, and be allowed for collecting, the same commission as is prescribed by law in respect to other taxes, to be collected and accounted for by them.

County levies, when to be laid.

4. *Be it further enacted*, That the county levies shall hereafter be laid at the courts to be held in the respective counties in May or June in each year, instead of the time now prescribed by law; and the sheriffs of the several counties shall account for and pay the same according to law, on the first day of November, instead of the first day of October in every year.

Overseers of poor, when to hold annual meeting.

5. *Be it further enacted*, That the overseers of the poor in each county shall hereafter hold their annual meeting and assess the poor rates on the fourth Monday in May, in the year one thousand eight hundred and nine, and in every succeeding year thereafter: and the collector of such rates, shall in future account for and pay the same according to law, on the first day of November in every year.

Clerks of courts, when to deliver their tickets.

6. *And be it further enacted*, That the clerks of the several courts within this commonwealth, shall hereafter deliver the tickets of their fees to the sheriffs of the respective counties or sergeants of the respective corporations, on or before the first day of May in each year; and the said sheriffs and sergeants, shall account for and pay the same according to law, on or before the first day of November in every year.

Repealing clause. Proviso.

7. All acts and parts of acts, coming within the purview of this act, shall be and are hereby repealed. But nothing in this act contained shall be construed to alter, or dispense with, any of the duties assigned by law to the commissioners of the revenue, except so far as is herein expressly directed.

Commencement.

8. This act shall commence and be in force from the passing thereof.

CHAP. CXXXI.

*An Act further to amend the Laws respecting the Militia of this Commonwealth.**

[Passed February 9, 1808.]

Officer commanding may employ drummer & fifer.

1 BE *it enacted by the General Assembly*, that until a sufficient number of drummers and fifers shall be procured for each regiment of militia, agreeably to the fifty-sixth section of the law passed the twenty-eighth day of January, one thousand eight hundred and four, it shall be lawful for each officer commanding a battalion or company, to employ a drummer and fifer to attend his muster, and the drummer and fifer so attending, shall be paid out

* See ante ch. 36, p. 39, and notes.

1807.

of the militia fines collected in the regiment, to which such battalion or company may belong, a sum not exceeding one dollar and twenty-five cents each. And the captains of light companies are hereby authorised and empowered to enlist such musicians as they may think necessary for the service of their respective companies; but any musician so enlisted, shall not be entitled to any compensation unless when in actual service.

Captains of light companies may enlist musicians.

2. *And be it further enacted*, That until proper musicians can be trained in the several troops of cavalry in this commonwealth, it shall be lawful for the captain commanding any such troop, to employ a trumpeter to attend on any regular parade of said troop, whose services shall be paid for out of the like fund, and in like manner, as is provided for musicians in the infantry, by the above section.

Captain of Cavalry may employ trumpeter.

3. *Be it further enacted*, That every non-commissioned officer and soldier, failing to attend any regimental, battalion, or company muster, (not having a reasonable excuse, to be judged of by the battalion or regimental courts of enquiry) shall be fined in a sum not less than seventy-five cents, nor more than three dollars; which fines, when assessed, shall be collected and accounted for as heretofore.

Fines for not attending muster.

4. *Be it further enacted*, That whenever a court martial shall be convened for the trial of any commissioned officer, it shall be lawful for such court to appoint such person as the members thereof may think fit, to act as clerk, or judge advocate, and the clerk, or judge advocate, so appointed, shall receive a compensation for his services, to be judged of by the court before whom he shall have rendered the same, and to be paid out of the contingent fund. And the person appointed to summon any such court martial, shall receive compensation for his services, to be adjudged and paid in like manner.

Court Martial to appoint a Clerk.

His compensation.

5. *And be it further enacted*, That whenever a court martial shall hereafter convene for the trial of any commissioned officer, it shall not be lawful to summon more than three witnesses, to depose to the same fact, and if more be summoned, their attendance shall be paid by the party at whose instance they shall attend.

Number of witnesses to each fact.

6. *Be it further enacted*, That hereafter no commissions shall be granted for more than one company of grenadiers, light infantry, or riflemen, to each battalion of the militia of this commonwealth. So much of any act, as directs that caps and uniforms for grenadiers, light infantry, and riflemen, shall be purchased out of the money arising from fines on delinquents, shall be and the same is hereby repealed.

No commissions to be granted for more than one light company to a battalion.

7. *Be it further enacted*, That if any non-commissioned officer or private, at any muster, shall fail to go into the ranks when required, or to perform any order given, (not having a reasonable excuse, to be judged of by a court of enquiry) such non-commissioned officer, or soldier, shall be fined in a sum not less than five nor more than ten dollars.

Penalty for failing to go into the ranks.

Be it further enacted, That no company of militia shall exceed the number of eighty, nor be less than forty, rank and file, and whenever any company district shall contain more than eighty persons, subject to be enrolled in the militia, by the captain or commanding officer thereof, the same shall be divided into two

Number of men in a company limited.

1807.

districts, to be established in the same manner, that other districts are by law directed, which new district shall constitute an additional company to the battalion of which it is a part; and whenever any company of militia, shall be reduced to less than forty, rank and file, such company shall be so apportioned in the other companies of said battalion, as may be agreed upon by the regimental court of enquiry. And the commissioned officers of any company so reduced, shall be considered as supernumerary; but shall fill the next vacancy corresponding with their rank, that may occur in the company within the bounds of which they may reside.

Battalion court of enquiry failing to meet, one member may adjourn.

9. *And be it further enacted*, That whenever any battalion court of enquiry, shall fail to meet on the day appointed for such meeting, it shall be lawful for one member to adjourn the said court, from day to day until a board shall be formed.

Militia fine fund in any regiment falling short, to be made good out of the treasury, &c.

10. *Be it enacted*, That in all cases, where the fund arising on militia fines in any regiment of militia in this state, shall not be sufficient for the payment of any draft or drafts hereafter to be made by the commandant of such regiment, in favor of any adjutant, clerk of courts of enquiry, provost martial, or musician, in such regiment, the same shall be paid out of any money in the treasury arising from militia fines.

Executive authorised to contract for making rifles.

11. *Be it enacted*, That the executive be authorised to contract for the making three hundred rifles annually, by such persons as they may think best qualified, to be distributed to such parts of the militia as shall be thought proper, and to order payment for the same, when satisfactory evidence of a compliance with the contract shall be made to them, to be paid out of any money in the treasury not otherwise appropriated, and in proportion to contracts entered into for this purpose, cause a diminution of rifles to be made at the armory: *Provided*, That the cost of each rifle complete shall not exceed fifteen dollars.

Executive to furnish to cavalry officers treatise on cavalry discipline.

12. *Be it enacted*, That the executive be, and they are hereby authorised, to procure and furnish to each commissioned officer of the cavalry, a copy of a late work on the discipline of cavalry, and the use of the broad sword, published by Seaton Grantland. And the executive shall cause to be printed and distributed, so many copies of the militia laws in force after the commencement of this act, together with the articles of war lately revised by the Congress of the United States, as will be sufficient to furnish to each commissioned officer one copy.

Fines on certain officers for failing to attend musters.

13. *Be it enacted*, That any adjutant, who shall fail to attend any regimental or battalion muster, or any other meeting of the regiment or battalion, without having a reasonable excuse, shall forfeit and pay the sum of twenty dollars, to be assessed by the regimental court of enquiry; The quarter master and pay master, the surgeon and surgeon's mate, for failing to attend the regimental muster, not having a reasonable excuse, shall forfeit and pay the sum of fifteen dollars, to be assessed in like manner; and the sergeant major for failing to attend the regimental or battalion musters, or the annual training of the officers, not having a reasonable excuse, shall forfeit and pay the sum of five dollars, to be assessed by the regimental court of enquiry.

1807.

14. *Be it further enacted*, That officers to whom commissions have issued to raise volunteer companies, attached to any battalion or regiment of the militia of this commonwealth, shall not sit in courts martial, till their companies are complete and a return shall have been made of their strength to the commandant of the regiment: When commissions shall hereafter issue for the purposes aforesaid, the officers shall not qualify to their commission until their companies shall be complete, and a return thereof shall have been made as aforesaid; and until a volunteer company shall have been completed and return made as aforesaid, no person thereto belonging, shall be exempt from the militia duty he was bound to perform in the company to which he belonged. Enlistments into volunteer companies shall be for three years at least, and not for more than five. The keeper of the penitentiary and his assistants, shall be exempt from militia duty, and the cryers of the court of appeals and chancery district courts, shall be exempt from fines for failing to attend the musters which may happen during the sitting of their respective courts.

Officers of volunteer companies, not to sit in courts martial, &c till their companies are complete.

Persons enlisting in such companies, to perform militia duty till they are complete.

Keeper of Penitentiary and others, exempt from militia duty

15. *And be it further enacted*, That it shall not be lawful for the executive to organize or establish any regiment, battalion, or company, or to commission any officer to command any regiment, battalion or company, unless such regiment, battalion, or company, shall have been previously established by the laws of this commonwealth, or unless the executive shall have been, or shall be expressly authorised to establish or organize the same; and every person to whom any commission shall have issued heretofore contrary to the provisions of this section, shall not be exempt from militia duty, nor be entitled to any rank by virtue of such commission.

Executive not to commission any officers unless authorised by law.

16. *And be it further enacted*, That every person employed by any lieutenant colonel commandant, as an express in pursuance of any order from the executive, or of any major general, or brigadier general, shall receive such compensation as the court of enquiry of the regiment where such person was so employed shall determine, to be paid out of the militia fines of such regiment.

Expresses to be paid

17. *And be it further enacted*, That every person, who may think himself aggrieved by the judgment of any court martial, shall, within ten days thereafter, file a notice in writing with the judge advocate, stating that he intends to appeal from such judgment, and shall, within ninety days after the filing such notice, prosecute his appeal; otherwise the judgment of such court shall be final, as if the same had been approved by the executive.

Person aggrieved by sentence of a court martial, how to proceed.

18. *And be it further enacted*, That every clerk of the courts of enquiry, shall take an oath faithfully to execute his duty, to be administered by the president of the court, before such clerk shall proceed to act as such; and every such clerk failing to furnish the sheriff, sergeant, or other collector, of his county, or corporation, with a list of the fines due within his bailiwick, corporation, or district, or to certify the list to the auditor of public accounts, as directed by law, shall be subject to a fine of fifty dollars for every failure. And it shall be the duty of every lieutenant colonel commandant to certify within ninety days after the meeting of his regimental court of enquiry, annually, the name of the clerk of such court of enquiry. And every lieutenant colonel commandant failing herein, shall forfeit and pay the sum of fifty dollars for every

Clerk of a court of enquiry to take an oath.

Penalty on him for breach of duty.

Duty of Commandant.

1807.

failure. And it shall be the duty of the auditor of public accounts to certify every such failure to the lieutenant colonel commandant of the regiment wherein the same happened, to be by him laid before the next regimental court of enquiry, who shall proceed to adjudge such fine against the delinquent as in other cases: and the fines so imposed shall be collected and accounted for as other fines are by law directed.

Penalty on Brigadier General failing to direct training of officers.

19. *And be it further enacted*, That every brigadier general failing to appoint or direct the training of officers in any regiment, or failing to appoint regimental musters as directed by law, shall forfeit and pay not less than fifty, nor more than two hundred dollars for every failure, to be adjudged by the court of enquiry of the regiment within the limits of which he may reside. And it shall be the duty of the lieutenant colonel commandant, in whose regiment such failure shall happen, within thirty days thereafter, to certify the same to the president of such court of enquiry, whose duty it shall be to cause notice to be given to such brigadier general, and such court of enquiry shall, at their ensuing session, proceed to adjudge such fine as in other cases; saving to the party aggrieved, the right of appeal to the executive, under the regulations herein before mentioned: And the fines so imposed, shall be collected and accounted for as in other fines.

Who may administer an oath to a militia officer.

20. *Be it further enacted*, That the oaths prescribed to be taken by a militia officer may be administered by any justice of peace of a county, or mayor, or alderman of any corporation within this commonwealth. And it shall be the duty of the officer taking such oaths out of the county or corporation in which he resides to transmit the certificate of such qualification, signed by such justice, mayor, or alderman, to the court of the county where such officer may reside, there to be entered of record by the clerk.

Repealing clause.

21. All acts and parts of acts coming within the purview of this act shall be and the same are hereby repealed.

Commencement.

22. This act shall commence and be in force from and after the passing thereof.

CHAP. CXXXII.

*An Act to amend the Penal Laws of the Commonwealth.**

[Passed February 10, 1808.]

Penalty on slaves for burning barn, &c.

1. BE *it enacted by the General Assembly*, That if any slave or slaves at any time hereafter, shall wilfully and maliciously, burn or set fire to any barn, stable, cornhouse or other house, or shall advise, counsel, aid, abet or assist any slave or slaves, free negro or mulatto, to commit either of the said offences, being thereof lawfully convicted, if the amount of the burning be of the value of ten dollars, he, she or they, shall be deemed guilty of felony, and shall suffer death as is provided in other cases of felony.

Ditto for burning stack of wheat &c.

2. *And be it further enacted*, That if any slave or slaves, shall wilfully and maliciously burn or set fire to any stack or cock of wheat, barley, oats, corn or other grain, or to any stack or cock of hay, straw or fodder, or shall advise, counsel aid, abet or assist any slave or slaves, free negro or mulatto, to commit either of the

* See ante ch. 55, p. 79, and notes.

offences in this section mentioned, being thereof lawfully convicted, he, she or they, shall be deemed guilty of felony, and shall be burnt in the hand, and receive on their back any number of lashes not exceeding thirty-nine, as the court in their discretion may think fit to inflict. 1807.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

1807.

failure. And it shall be the duty of the auditor of public accounts to certify every such failure to the lieutenant colonel commandant of the regiment wherein the same happened, to be by him laid before the next regimental court of enquiry, who shall proceed to adjudge such fine against the delinquent as in other cases: and the fines so imposed shall be collected and accounted for as other fines are by law directed.

Penalty on Brigadier General failing to direct training of officers.

19. *And be it further enacted*, That every brigadier general failing to appoint or direct the training of officers in any regiment, or failing to appoint regimental musters as directed by law, shall forfeit and pay not less than fifty, nor more than two hundred dollars for every failure, to be adjudged by the court of enquiry of the regiment within the limits of which he may reside. And it shall be the duty of the lieutenant colonel commandant, in whose regiment such failure shall happen, within thirty days thereafter, to certify the same to the president of such court of enquiry, whose duty it shall be to cause notice to be given to such brigadier general, and such court of enquiry shall, at their ensuing session, proceed to adjudge such fine as in other cases; saving to the party aggrieved, the right of appeal to the executive, under the regulations herein before mentioned: And the fines so imposed, shall be collected and accounted for as in other fines.

Who may administer an oath to a militia officer.

20. *Be it further enacted*, That the oaths prescribed to be taken by a militia officer may be administered by any justice of peace of a county, or mayor, or alderman of any corporation within this commonwealth. And it shall be the duty of the officer taking such oaths out of the county or corporation in which he resides to transmit the certificate of such qualification, signed by such justice, mayor, or alderman, to the court of the county where such officer may reside, there to be entered of record by the clerk.

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3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. I.

An Act for clearing and improving the Navigation of James River.

[Sessions acts of October, 1784, ch. 58, pa. 10.]

Note.—This act is published in the appendix to the Revised Code, vol. 1, ch. 5, page 440.

CHAP. II.

An Act for vesting in George Washington, Esquire, a certain Interest in the Companies established for opening and extending the Navigation of Potowmac and James Rivers.

[Sessions acts of October, 1784, ch. 83, pa. 26.]

1. WHEREAS it is the desire of the representatives of this commonwealth to embrace every suitable occasion of testifying their sense of the unexampled merits of George Washington, Esquire, towards his country; and it is their wish in particular that those great works for its improvement, which, both as springing from the liberty which he has been so instrumental in establishing, and, as encouraged by his patronage, will be durable monuments of his glory may be made monuments also of the gratitude of his country:

2. *BE it enacted by the General Assembly*, That the treasurer be directed, in addition to the subscriptions he is already authorised to make to the respective undertakings for opening the navigations of Potowmac and James Rivers, to subscribe to the amount of fifty shares to the former, and a hundred shares to the latter, to be paid in like manner with the subscriptions above-mentioned; and that the shares so subscribed, be, and the same are hereby vested in George Washington, Esquire, his heirs and assigns, forever, in as effectual a manner as if the subscriptions had been made by himself or by his attorney.

CHAP. III.

An Act to amend the Act, entituled, "An Act for vesting in George Washington, Esquire, a certain Interest in the companies established for opening and extending the navigation of James and Potowmack rivers."

[Sessions acts of 1785, ch. 11, pa. 12.]

1. WHEREAS by an act, entituled, "An act for vesting in George Washington, Esquire, a certain interest in the companies established for opening and extending the navigation of James and Potowmac rivers," and reciting, "that whereas it is the desire of the representatives of this commonwealth to embrace every suitable occasion of testifying their sense of the unexampled merits of George Washington, esquire, towards his country; and it is their wish in particular, that those great works for its improvement, which, both as springing from the liberty which he has been so instrumental in establishing, and as encouraged by his patronage, will be durable monuments of his glory, may be made monuments also of the gratitude of his country:" *It is enacted*, "That the treasurer be directed in addition to the subscriptions he is already authorised to make to the respective undertakings for opening the

navigations of Potowmac and James rivers, to subscribe to the amount of fifty shares to the former and one hundred shares to the latter, to be paid in like manner with the subscriptions above mentioned; and that the shares so subscribed be and the same are hereby vested in George Washington, esquire, his heirs and assigns forever, in as effectual a manner as if the subscriptions had been made by himself or by his attorney." *And whereas*, the said George Washington, esquire, in his letter addressed to the governor, which has been laid before the general assembly, hath expressed his sentiments thereupon, in the words following, to wit: "Your Excellency having been pleased to transmit me a copy of the act appropriating to my benefit certain shares in the companies for opening the navigation of James and Potowmac rivers, I take the liberty of returning to the general assembly, through your hands, the profound and grateful acknowledgments, inspired by so signal a mark of their beneficent intentions towards me. I beg you, Sir, to assure them, that I am filled on this occasion with every sentiment which can flow from a heart warm with love for my country—sensible to every token of its approbation and affection—and solicitous to testify, in every instance, a respectful submission to its wishes: With these sentiments in my bosom, I need not dwell on the anxiety I feel, in being obliged, in this instance, to decline a favor, which is rendered no less flattering by the manner in which it is conveyed, than it is affectionate in itself. In explaining this obligation, I pass over a comparison of my endeavors in the public service with the many honorable testimonies of approbation which have already so far over-rated and over-paid them; reciting one consideration only, which supercedes the necessity of recurring to every other. When I was first called to the station with which I was honored during the late conflict for our liberties—to the diffidence which I had so many reasons to feel in accepting it, I thought it my duty to join a firm resolution to shut my hand against every pecuniary recompence; to this resolution I have invariably adhered—from this resolution (if I had the inclination) I do not consider myself at liberty to depart. Whilst I repeat, therefore, my fervent acknowledgments to the legislature for their very kind sentiments and intentions in my favor, and at the same time beg them to be persuaded, that a remembrance of this singular proof of their goodness towards me, will never cease to cherish returns of the warmest affection and gratitude, I must pray, that their act, so far as it has for its object my personal emolument, may not have its effect: But if it should please the general assembly to permit me to turn the destination of the fund vested in me, from my private emoluments, to objects of a public nature, it will be my study in selecting these, to prove the sincerity of my gratitude for the honor conferred on me, by preferring such as may appear most subservient to the enlightened and patriotic views of the legislature." *And whereas* the desire of the general assembly to mark by the provision above mentioned, their sense of the illustrious merits of the said George Washington, esquire, at the same time that it is strengthened by this fresh and endearing proof of his title to the gratitude of his country, is superseded by their respect for his disinterested wishes and patriotic views:

2. *Be it enacted*, That the said recited act, so far as it vests in George Washington, esquire, and his heirs, the shares therein di-

rected to be subscribed in his name, shall be, and the same is hereby repealed.

3. *And be it further enacted*, That the said shares with the tolls and profits hereafter accruing therefrom, shall stand appropriated to such objects of a public nature, in such manner, and under such distributions, as the said George Washington, esquire, by deed during his life, or by his last will and testament, shall direct and appoint.

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CHAP. IV.

An Act to amend an act entituled "An Act for clearing and improving the Navigation of James River.

[Sessions Acts of 1785, ch. 52, pa. 37.]

1. WHEREAS by the act, entituled "An act for clearing and improving the navigation of James River, it is among other things provided, that the first subscriptions should not exceed the sum of one hundred thousand dollars, and that no toll should be demanded, except in a particular case, before the said river should be rendered capable of being navigated in dry seasons by vessels drawing one foot of water at least from the highest place practicable to the Great Falls; and whereas it hath been represented to the general assembly, that it may be necessary to extend the sum to be subscribed, and to put the depth of the canals in the discretion of the company, and the point to which the navigation is directed to reach, before the demand of the tolls, is by being too vague, a discouragement to adventurers:

2. *BE it therefore enacted by the General Assembly*, That it shall be lawful for the said company, at any general meeting, to extend the shares, so as not to exceed one hundred in addition to those already subscribed, and to proportion the depth of the water in the canals to the depth of water in the river in dry seasons.

3. *And be it further enacted*, That Crow's ferry, at the mouth of Loony's Creek, shall be forever taken and deemed to be the highest place practicable within the meaning of the above recited act. *And whereas*, it may be found expedient for the said company to borrow money to answer the purposes of their institution.

4. *Be it further enacted*, That it shall be lawful for the president and directors to give an interest of six *per centum* upon all sums of money that shall be lent to them for the carrying on of the work.

CHAP. V.

An Act giving a more speedy remedy against delinquent subscribers to the Potowmac and James River Companies.

[Passed 1st Dec. 1787.—Acts of 1787, ch. 24, pa. 21.]

1. WHEREAS it hath been represented to the general assembly, that the opening of the navigation in Potowmac and James Rivers, hath been retarded by the failure of many of the members of the companies, instituted for the purpose of effecting the same, to pay their respective subscriptions; *And whereas* the mode of recovery now established by law hath been found wholly inadequate thereto; and works of such general utility to which the commonwealth hath already advanced several sums of money from

time to time, as the same have been called for, ought not to be frustrated by the delinquency of individuals:

2. *BE it therefore enacted by the General Assembly*, That if any subscriber to the Potowmac or James River company now is, or hereafter shall be in arrear for any sum or sums of money called for in pursuance of either of the two acts of general assembly, the one entituled "An act for opening and extending the Navigation of Potowmac River," and the other entituled "An act for opening and extending the Navigation of James River," it shall and may be lawful for a majority of the directors of each company to recover any such sum or sums of money from such subscriber in the general court at any additional or other session thereof, together with all legal costs, by way of motion to the court; provided the person against whom such motion may be made, hath ten days previous notice thereof. *Provided also*, That if the person against whom such motion may be made, or his attorney, shall desire a jury to be impannelled, the court shall direct a jury to be immediately charged to try whether he did assume to pay, and whether he hath paid: But the said directors shall not be required to prove that he did so assume until he shall have first made oath that he did not so assume. And it shall be lawful for the said court to direct judgment to be entered up on the verdict rendered, with costs, and execution shall issue thereupon, returnable to any day of the said session of the general court, which the said court shall direct.

3. So much of the said recited acts of assembly, as comes within the purview of this act, is hereby repealed.

4. *Provided always*, That so much of this act as relates to the Potowmac company, shall be suspended, until the legislature of the state of Maryland, shall pass a law to the same effect.

CHAP. VI.

An Act to amend an act, entituled "An act establishing District Courts, and for regulating the General Court."—See also Rev. Code, vol. 1, ch. 65, sec. 5, pa. 70.

[Passed 17th Dec. 1789.—Acts of 1789, ch. 13, pa. 7.]

Jurisdiction of the gen'l court in certain cases.

8. THE general court shall have jurisdiction to hear and determine motions against the delinquent subscribers of the Potowmac and James river companies, and for securities against their principals, and for sheriffs against their deputies and securities or either of them, to receive the proof of deeds for lands or other estate, and the relinquishment of any feme covert of her right and interest therein, either in person or by commission according to law, and record the same: and to ascertain the average price of tobacco.

CHAP. VII.

An Act to amend the act, entituled, "An act for clearing and improving the Navigation of James River."

[Passed 25th December, 1790.—Sessions acts of 1790, ch. 26, pa. 19.]

Preamble.

1. WHEREAS it is represented to the general assembly, that the navigation of James River is much obstructed by hedges and fishtraps:

Penalty on persons placing ob.

2. *BE it therefore enacted by the General Assembly*, That if any persons shall hereafter make or cause to be made any hedges, fish-

traps or other obstructions in the said river, or any of the navigable branches thereof, from the upper end of the James River canal, to the highest navigation of the said river or the branches thereof, so as to impede or injure the passage of batteaux or canoes, shall forfeit and pay the sum of one hundred pounds for each offence, to be recovered by bill, plaint or information in any court of record, one half for the use of the informer, the other half for the use of the commonwealth. structions in the river.

CHAP. VIII.

An Act to amend the act, entituled, "An act for clearing and improving the Navigation of James River."

[Passed December 20th, 1790.—Sess. acts 1790, ch. 42, pa. 26.]

1. WHEREAS it hath been represented to the present general assembly, that the original sum subscribed by the James River company, as a capital for improving the navigation from Crow's ferry in the county of Botetourt to tide water opposite the city of Richmond, is nearly expended, and it becomes necessary to make further provision for completing the work by increasing their capital stock: *Be it therefore enacted*, That it shall and may be lawful for the president and directors of the said company, to open new subscriptions for two hundred shares, in addition to the five hundred shares already subscribed; and books for that purpose shall be opened by the president and directors of the said company, in the same manner and at such places as directed by an act entituled "An act for clearing and improving the navigation of James River," and at such other places as the said president and directors or a majority of them shall think proper; those who shall become proprietors of shares by subscriptions as aforesaid, shall be secured in their interest of the said company, be liable to all the conditions, and subject to all the penalties, as prescribed in the said recited act; and also one other act entituled "An act giving a more speedy remedy against delinquent subscribers to the Potowmac and James river companies." Preamble. Books to be opened for new subscriptions.

2. The treasurer for the commonwealth shall and he is hereby empowered and required to subscribe in behalf of the commonwealth for one hundred shares in the new subscriptions to be opened for extending the capital of the said company for the purposes aforesaid: *Provided always, and be it further enacted*, That the treasurer shall on behalf of the commonwealth subscribe not more than fifty shares, until the like number shall be subscribed for by private citizens, after which the treasurer may subscribe from time to time as many shares as shall be subscribed by individuals so as not to exceed fifty more shares and so as to make up one hundred additional shares on public account. Treasurer to subscribe for certain shares for the state;

3. *And whereas* by the said recited act a right of pre-emption is reserved to the commonwealth of purchasing such share or shares as the proprietors in the James river navigation shall offer for sale, and there having been no agent as yet appointed agreeably to the said recited act to make such purchases; *Be it therefore enacted*, That the treasurer for the time being shall and he is hereby authorised and empowered to purchase in behalf of the commonwealth so many shares in the said company as shall be offered for sale. Pro- And to purchase shares offered for sale.

vided the same shall not exceed fifty shares, nor exceed the sum to be paid by the original proprietor for each share.

Directors to make a return of delinquent subscribers.

4. It shall be the duty of the directors of the said James River company to make return once in every year between the first day of October and the first day of November to the treasurer of this commonwealth of the delinquent subscribers for shares in the said company, and the said directors may make sale thereof at such time and place as they shall appoint, with consent of the treasurer, giving at least three months previous notice thereof in some of the public newspapers, and if any of the shares of such delinquents shall sell for less than the amount for which such delinquents may be in arrears, the directors shall forthwith cause the most effectual legal measures to be taken for the recovery of such arrears.

CHAP. IX.

An Act for regulating the Navigation of James River, above the Falls of the said River.

[Passed December 17th, 1791.—Sess. acts of 1791, ch. 27, page 14.]

Note.—This act is published in the Revised Code, vol. 1, ch. 56, pa. 54.

CHAP. X.

An Act giving further time to the James River Company to complete the Navigation thereof.

[Passed November 14th, 1793.—Sess. acts of 1793, ch. 28, pa. 30.]

Further time of six years allowed for completing the navigation.

1. BE *it enacted by the General Assembly*, That the further time of six years from and after the period mentioned in and by an act of assembly, passed in the year one thousand seven hundred and eighty-four, entituled, "An act for clearing and improving the navigation of James River," shall be, and is hereby allowed the James River Company to complete the said work; any thing in the said recited act to the contrary notwithstanding.

Commencement of this act.

2. This act shall commence in force, from the passing thereof.

CHAP. XI.

An Act for the completion of the James River Navigation.

[Passed December 26th, 1795.—Sess. acts of 1795, ch. 23, pa. 23.]

Treasurer to advance a sum of money on each share belonging to the commonwealth. To be reimbursed out of the tolls.

1. BE *it enacted*, That it shall and may be lawful for the treasurer to advance on each share held by the commonwealth in the James River Company, a sum not exceeding thirty dollars, in two or more requisitions, as shall be made by the president and directors of the said company, on the subscribers generally. And that the sums so advanced by the commonwealth, as well as the sum or sums advanced by individuals, under the said requisitions, or in any manner loaned to the said company, shall, together with an interest at the rate of six per cent. per annum, be reimbursed to the commonwealth and to such individuals out of the tolls arising from the canal, before any dividend shall be made of the said tolls: *Provided*, That when the owners of shares in the said company shall have subscribed any sum of money not exceeding thirty dollars upon such share, it shall and may be lawful for the treasurer of this commonwealth, and he is hereby authorised to subscribe a sum equal

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to the sum so by them subscribed, which sum so subscribed shall be paid by the said treasurer upon call made by the president and directors of the said company for that purpose; and upon refusal or neglect by the owners of shares, to pay the sum or sums so by them subscribed, the president and directors shall have the same remedy, either by sale of the original shares, or by notice and motion before the courts against the said owners, as was allowed them on the shares originally subscribed by said owners, and such delinquent subscribers shall moreover be liable for interest from the time such requisition ought to have been complied with: *Provided also*, That one half the sum thus raised, be exclusively appropriated to the opening and clearing the navigation of the river through the Blue Ridge up to Crow's Ferry. Further proviso.

CHAP. XII.

IN THE HOUSE OF DELEGATES, Tuesday, Dec. 1st, 1795.

WHEREAS the migration of American youth to foreign countries for the completion of their education, exposes them to the danger of imbibing political prejudices disadvantageous to their own republican forms of government, and ought therefore to be rendered unnecessary and avoided:

Resolved, That the plan contemplated of erecting an University at the Federal City, where the youth of the several states may be assembled, and their course of education finished, deserves the countenance and support of each state.

And whereas when the General Assembly presented sundry shares in the James River and Potowmac Companies, to George Washington, as a small token of their gratitude for the great, eminent and unrivalled services he had rendered to this commonwealth, to the United States, and to the world at large, in support of the principles of liberty and equal government, it was their wish and desire that he should appropriate them as he might think best. And whereas the present General Assembly retain the same high sense of his virtues, wisdom and patriotism:

Resolved therefore, That the appropriation by the said George Washington of the aforesaid shares in the Potowmac Company to the University intended to be erected in the Federal City, is made in a manner most worthy of public regard and of the approbation of this commonwealth.

Resolved also, That he be requested to appropriate the aforesaid shares in the James River Company, to a Seminary at such place in the upper country as he may deem most convenient to a majority of the inhabitants thereof.

December the 2d, 1795—Agreed to by the Senate.

Note—The interest of Gen. Washington in the James River Company was vested in the Liberty-Hall Academy in Rockbridge. See acts of 1796, ch. 41, pa. 26—acts of 1797, ch. 40, pa. 26.

CHAP. XIII.

An Act giving certain powers to the James River Company.

[Passed December 28th, 1797.—Acts of 1797, ch. 38, pa. 25.]

1. BE *it enacted by the General Assembly*, That the James River Company shall, and they are hereby authorised to raise by Company authorised to raise money.

ney by loan for the purposes herein.

loan or otherwise, a sum or sums of money, and to apply the same to the opening and improving of the branches of James River: *Provided always*, That the prosecution of such works shall not impede the improving of the navigation of the main branch of the said river, as is by law directed.

Time of annual meeting.

2. *And be it further enacted*, That the general annual meeting of the said company, shall hereafter be held on the second Tuesday in December, in every year, instead of the first Monday in October.

May have & use a common seal.

3. *And be it further enacted*, That the said company be permitted to have and use a common seal.

Commencement.

4. This act shall be in force from and after the passing thereof.

CHAP. XIV.

An Act concerning the James River Company.

[Passed January 7th, 1799.—Acts of 1798, ch. 28, pa. 15.]

Preamble.

WHEREAS by two several acts of General Assembly, the James River Company, are compelled to make locks from the upper navigation to tide water, within a limited time, or incur a forfeiture of their interest in the said company; and whereas it is represented, that the necessary improvement of the said navigation, has far exceeded the sum first contemplated, and has exhausted the funds of the said company, so as to leave no other resource which at present can be calculated on except the tolls; and whereas the public are equally interested with individuals in the promotion of a work, the cost or emoluments of which cannot be increased without producing equal benefits or burthens to both: and whereas the erection of said locks will require a very large sum of money, in addition to what has been already laid out, and which if it can be raised will greatly extend the term for reimbursement to the individuals as well as to the public, for advances already made, independent of those which may be hereafter requisite; and whereas an alteration of the plan, or prolongation of time to a convenient day, for making the said locks, will shortly produce a very considerable income yearly, besides the sum necessary to keep the work in repair, and support the establishment:

Time of completing the locks required by law, discretional with the company.

1. *Be it therefore enacted*, That the erection of the said locks shall, as to time of commencement and completion, be optional with the said company, any thing to the contrary in any law notwithstanding; and that all laws which come within the purview of this act, shall be, and the same are hereby repealed: *Provided*, That the discretion hereby given to the said company, shall not be so construed, as to prohibit any future legislature from directing the completion of the said locks, whenever it shall appear reasonable.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XV.

An Act concerning the James River Company.

[Passed January 30th, 1805.—Acts of 1804, ch. 30, pa. 29.]

Preamble.

WHEREAS, by the act entituled, "An act, for clearing and improving the navigation of James River," it is declared that the tolls by the said act allowed, "are granted and shall be paid on

condition only, that the James river company shall make the river well capable of being navigated in dry seasons, by vessels drawing one foot water at least, from the highest place practicable, to the great falls": And whereas, it has been represented to this present general assembly, that the James river company, although they have received, since the first day of October, in the year one thousand seven hundred and ninety-five, the full tolls allowed by the above recited act, have failed to remove many obstructions to the navigation of the said river; and that the bed thereof is not so cleared as to be well capable of being navigated in dry seasons by vessels drawing one foot water; by means whereof the navigation has been much impeded, and the expense of transportation considerably greater than it otherwise would have been.

Tolls, when to cease, unless this act complied with

2. *Be it therefore enacted*, That from and after the first day of January, in the year one thousand eight hundred and seven, the said James river company shall not demand nor receive any of the tolls allowed by the above recited act, unless the said company shall have made the said river well capable of being navigated in dry seasons by vessels drawing one foot water at least, from the highest place practicable to the great falls, according to the true intent and meaning of the said recited act. And in order to ascertain the fact whether the said James river company shall so complete the navigation, and the time when it shall have been so completed,

Commissioners appointed to examine situation of the river.

3. *Be it enacted*, That Charles Yancey, Hudson M. Garland, Charles Beale, Joseph Grigsby and Jabez Leftwich, gentlemen, be and they are hereby appointed commissioners, who, or a majority of them, when required by the James river company, shall without delay, during the next dry season, view the said river from the highest practicable place of navigation to the great falls, and make report to the executive of this commonwealth; and whenever the said commissioners, or a majority of them, shall report to the executive that the said company shall have complied with the directions of the said recited act, in completing the navigation of the said river above the great falls thereof, from thenceforth the said company shall be entitled to demand and receive the full tolls allowed by the said recited act.

Commissioners, how paid.

4. *And be it further enacted*, That the said commissioners shall each be allowed the sum of five dollars per day for every day they shall act, to be paid by the said James river company, if it shall appear by their report that the company have not at present complied with the directions of the said recited act, in completing the navigation as aforesaid, otherwise the said allowance shall be paid by the treasurer on a warrant from the auditor of public accounts out of any money in the treasury.

When to communicate with tide water.

5. *And be it further enacted*, That from and after the first day of January, in the year eighteen hundred and ten, the said James river company shall not demand or receive any of the tolls allowed by the above recited act, unless, in addition to the work already described and required to be performed by this act, they shall also extend the navigation to tide water, in the manner prescribed in the act, entituled "An act for clearing and improving the navigation of James river."

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. XVI.

An Act concerning the James River Company.

[Passed Feb. 3d, 1806.—Acts of 1805, pa. 49.]

Law compelling James river company to connect with tide water by a given time, repealed.

1. BE *it enacted by the General Assembly*, That the fifth section of the act, entituled, "An act concerning the James river company," passed on the thirtieth day of January, one thousand eight hundred and five, shall be and the same is hereby repealed: *Provided nevertheless*, That nothing in this act shall extend, or be construed to extend, to alter the terms of the charter of the said James River Canal Company, or to deprive the legislature of the right heretofore held by them, of directing and obliging the said company to connect the navigation of the said canal with tide water, by locks, or otherwise, as to them may seem best.

Commencement. 2. This act shall commence and be in force from and after the passing thereof.

CHAP. XVII.

An Act to amend "An Act concerning the James River Company."

[Passed December 31st, 1806.—Acts of 1806, ch. 64, pa. 26.]

Preamble. WHEREAS it hath been represented, that a majority of the commissioners appointed by the act, entituled "An act concerning the James River Company," passed the thirtieth of January, one thousand eight hundred and five, met pursuant to the notification of the said company, in order to view the said river and ascertain whether the navigation thereof from the highest practicable point to the great falls, had been completed according to the terms of the original charter; but owing to a sudden rise of the water, they were prevented from effecting the object of their meeting; and it is just and reasonable that a further time should be allowed for that purpose:

Further time allowed James river company to comply with act of 1805.

1. *Be it therefore enacted*, That the further time of one year from the first day of January next, be allowed the James River Company, and the commissioners appointed by the above recited act, or a majority of them, to comply with the provisions thereof; and in the mean time, the James River Company shall be permitted to collect the full tolls allowed by the act "For clearing and improving the navigation of James River," any thing in the first mentioned act to the contrary notwithstanding.

Commencement. 2. This act shall commence and be in force from and after the passing thereof.

ACTS CONCERNING JAMES RIVER AND ITS NAVIGABLE BRANCHES.

[☞ The following acts relating to subjects not immediately under the control of the James River Company, and not of general concern, it is deemed unnecessary to publish more than the titles.]

WILLIS's RIVER.

An Act for opening and extending the Navigation of Willis's River.

[Passed Dec. 10, 1787.—Sess. acts of 1787, ch. 50, pa. 35.]

An Act to explain and amend the act for opening and extending the Navigation of Willis's River.

(Passed Dec. 24, 1787.—Sess. acts of 1787, ch. 51, pa. 36.)

An Act appointing Commissioners to view Willis's River.

(Passed Jan. 16, 1798.—Sess. acts of 1797, ch. 34, pa. 20.)

An Act to authorise the Court of Cumberland County, to appoint a principal Surveyor over Willis's River.

(Passed Jan. 22, 1801.—Sess. acts of 1800, ch. 66, pa. 36.)

SLATE RIVER.

An Act to revive and amend the act, entituled "An act appointing Commissioners to examine Slate River.

(Passed Dec. 16, 1790.—Sess. acts of 1790, ch. 30, pa. 20.)

An Act for improving the Navigation of Slate River.

Passed Dec. 18, 1794.—Sess. acts of 1794, ch. 48, pa. 29.

NORTH FORK OF JAMES RIVER.

An Act concerning the clearing of the North fork of James River.

(Passed Dec. 22, 1794.—Sess. acts of 1794, ch. 51, pa. 30.)

An Act to amend an act, entituled, "An act concerning the clearing of the North Fork of James River.

(Passed January 30, 1805.—Sess. acts of 1804, ch. 25, pa. 26.)

An Act incorporating a company to open and improve the Navigation of the Rivanna River, from Milton to Moore's ford, opposite the Town of Charlottesville, in the County of Albemarle.

(Passed Dec. 30, 1806.—Sess. acts of 1806, ch. 55, pa. 24.)

HARDWARE RIVER.

An Act for opening and improving the Navigation of Hardware River, from the fork thereof to its junction with James River.

(Passed Jan. 18, 1804.—Sess. acts of 1803, ch. 88, pa. 57.)

OBSTRUCTIONS TO THE PASSAGE OF FISH.

An Act for more effectually preventing obstructions to the passage of Fish in James River and its Navigable Branches.

[Passed Jan. 24, 1803.—Sess. acts of 1802, ch. 9, pa. 9.]

An Act to amend an act entituled, "An act for more effectually preventing obstructions to the passage of Fish in James River and its Navigable Branches.

[Passed Jan. 29, 1805.—Sess. acts of 1804, ch. 27, pa. 29.]

An Act for more effectually preventing obstructions to the passage of Fish in James River and its Navigable Branches.

[Passed Feb. 4, 1806.—Sess. acts of 1805, ch. 93, pa. 51.]

CHAP. I.

An Act for opening and extending the navigation of Potowmas River.

[Sess. acts of 1784, ch. 82, pa. 24.]

Note.—This act is published in the Appendix to vol. 1, ch. 4, pa. 446.

CHAP. II.

An Act for vesting in George Washington, Esq. a certain interest in the companies established, for opening and extending the Navigation of Potowmac and James Rivers.

(Sess. acts of October, 1784, pa. 26, ch. 83.—See James River Company, ch. 2. Appendix No. I.)

CHAP. III.

An Act to amend the act entituled "An act for vesting in George Washington, Esq. a certain interest in the companies established for opening and extending the Navigation of James and Potowmac Rivers."

(Sess. acts of 1785. ch. 11, pa. 12.—See James River Company, ch. 3 of Appendix No. I.)

CHAP. IV.

An Act to amend an act, for opening and extending the Navigation of Potowmac River.

[Sess. acts, 1785, ch. 23, pa. 21.]

1. WHEREAS the President and Directors of the Potowmac Company, by their petition to this General Assembly on behalf of the said company, have set forth, that in pursuance of the acts of assembly of this state, and of Maryland, entituled "An Act for opening and extending the navigation of Potowmac River," they purpose to make a canal on one level to be supplied by the current of the river from a little above the Great Falls of Potowmac, to a convenient place below those Falls, where they design to effect a communication with the bed of the river by connected locks, and that they are under the strongest impressions, if any canal and locks should be found necessary or useful at the Little Falls of the said river, that another such cut on one level and a waste of the whole fall by a set of locks at tide water, will be preferable there on every account; and that, as the depth of the water in such canals will be encreased on the rise of the water in the river, so as to permit an easy passage for all such boats and rafts as can pass in the river, even less than two feet depth of water in the said canals in dry seasons, with the certain necessary encrease on the rise of the river, will be fully sufficient, instead of the four feet required by the said acts, to answer all useful purposes; and that, cutting the said canals four feet below the level of the water in dry seasons, will very greatly and uselessly enhance the expense of the canals, occasion considerable delay in the work, and render it in a degree less secure—they have therefore prayed that acts of the assemblies of both states may pass, making it necessary that such canals contain two feet only, instead of the four feet required by the said acts, and if the levels should be broken by locks placed apart from each other, that the first level may necessarily contain only two feet depth, and the other, or rest, four; all which suggestions appearing to this General Assembly to be true, and the prayer of the said petition to be reasonable;

2. *Be it enacted by the General Assembly*, That any canal which shall be cut or made on one level by the Potowmac Company, at the Great or Little Falls of Potowmac River, supplied by the current of that river, containing two feet of water at the least in dry seasons, and communicating again with the river by locks, if necessary, the spaces between the locks, if they should be placed distant from each other, containing four feet depth of water, shall be equally available to every intent and purpose as if the whole of such canal had been made to contain four feet depth of water, agreeable to the directions of the said acts; any thing in the said acts to the contrary notwithstanding.

3. This act to take place as such, on a similar law being passed by the legislature of Maryland, and not otherwise.

CHAP. V.

An Act giving further time for improving the navigation between the Great Falls of Potowmac River and Fort Cumberland.

[Sess. acts of 1786, ch. 114, pa. 54.]

BE *it enacted by the General Assembly*, That the Potowmac Company shall be, and they are hereby allowed, until the seventeenth day of November, one thousand seven hundred and ninety, for making and improving the navigation between the Great Falls and Fort Cumberland; any law to the contrary thereof, notwithstanding. This act to take place as such, on a similar law being passed by the legislature of Maryland, and not otherwise.

CHAP. VI.

An Act giving more speedy remedy against delinquent subscribers to the Potowmac and James River Companies.

[Passed December 1st, 1787.—Sess. acts of 1787, ch. 24, pa. 21.—See "James River Company," ch. 5 of Appendix No. 1.]

CHAP. VII.

An Act to amend an act, entituled an act establishing District Courts, and for regulating the General Court.

[Passed December 17th, 1789.—Acts of 1789, ch. 13, pa. 7.—See "James River Company," ch. 6 of Appendix No. 1.]

CHAP. VIII.

An Act to amend an act, entituled "An act for opening and extending the Navigation of Potowmac River."

[Passed December 16th, 1790.—Sess. acts 1790, ch. 57, pa. 37.]

1. WHEREAS it has been represented to the present General Assembly, by the President and Directors of the Potowmac Company, that the time allowed by law for making and improving the navigation of Potowmac River, between the Great Falls and Fort Cumberland, in the manner therein mentioned, is found not sufficient to perform the work. Preamble.

2. *Be it therefore enacted*, That the further time of three years shall be allowed the said company for making and improving the navigation of the said river above the Great Falls. Further time allowed for improving the navigation.

Terms on which shares, not yet subscribed for, may be taken up. Delinquent subscribers to pay interest.

3. *And be it further enacted*, That none of the shares not already subscribed for, be hereafter taken up, but on first paying the amount of the previous calls and interest from the time the calls ought to have been complied with, and that delinquent subscribers shall pay interest from the time the money called for ought to have been paid, with the actual expense of notice, and that the same shall be recovered with, and in like manner as the principal.

Places at which the tolls are to be paid.

4. *And be it further enacted*, That the place of collection of tolls shall be at or near Hook's Falls, instead of being at or near Payne's, and that one fourth of the tolls made payable at Payne's Falls, shall henceforth be demandable and received at Hook's Falls, and one fourth of the tolls payable at the Great Falls, shall be demandable and received at the Great Falls; and also on goods and produce landed at or near Watts's branch.

Part of the capital to be applied to improving the navigation of the branches of Potowmac.

5. *And be it further enacted*, That the President and Directors of the said company are hereby impowered to apply so much of the capital subscribed and tolls as may arise, as they shall judge necessary towards opening, improving and extending navigation on the branches of Potowmac River above Seneca.

Foreigners may hold certain shares.

6. *And be it further enacted*, That it shall and may be lawful for persons not citizens of this commonwealth, to purchase and hold the non-subscribed shares of the said Potowmac company. *Provided*, That the persons so purchasing shall not thereby become citizens of this commonwealth.

CHAP. IX.

An Act to amend the act, entituled "An act to amend the act, entituled an act, for opening and extending the navigation of Potowmac river."

[Passed November 21st, 1791.—Sess. acts of 1791, ch. 34, page 16.]

Preamble.

1. WHEREAS on application of the President and Directors of the Potowmac Company, an act was passed during the last session of the General Assembly, which among other things, did grant to the said company, the right to open, extend and improve the navigation of the branches of the Potowmac river above Seneca, which grant was made from an expectation that the said company would proceed forthwith in improving the navigation of the said branches: *Be it therefore enacted by the General Assembly*, That the said grant shall be forfeited, unless the company aforesaid proceed within twelve months from the date hereof, in the opening and improving the navigation of the said branches.

Right to improve the navigation of the branches forfeited unless it is begun within 12 months.

Persons not citizens may purchase subscribed shares.

2. *And be it further enacted*, That it shall and may be lawful for persons not citizens of this commonwealth to purchase and hold the subscribed as well as the non-subscribed shares of the Potowmac Company. *Provided*, That the persons so purchasing, shall not thereby become citizens of this commonwealth.

CHAP. X.

An Act for regulating Inland Navigation on Potowmac River above Tide Water.

[Passed Dec. 9th, 1793.—Sess. acts of 1793, ch. 24, pa. 28.]

Owners of boats to obtain licenses from the county courts.

1. BE *it enacted by the General Assembly*, That every person or persons keeping a boat for the purpose of transporting fo

hire, upon those parts of the river Potowmac, above tide water, from one place to another, tobacco, flour, wheat, corn, or any other articles produced from the earth, or goods, wares, merchandise, or manufactures of any kind, shall apply to the court of the county, in which he or they reside, for a license to do so, and the said court is hereby authorised to grant the same, describing therein the name of the owner or owners thereof, and the place of their residence, and its number, and taking bond from him or them with approved security, in the penalty of one hundred dollars, for the keeping the said boat in the manner and condition prescribed by law, at all times when it shall be employed as aforesaid, for hire in transportation of any of the articles aforesaid. To give bond and security.

2. It shall not be lawful for any person to carry, or suffer to be carried with his privity, for money or other valuable consideration, in any boat, wholly or partly belonging to him, from one place to another, upon the river aforesaid, or any branch thereof, above tide water, any tobacco, flour, wheat, corn, or any other articles produced from the earth, or any goods, wares, merchandise, or manufactures, without having a license for the said boat according to law; and whosoever shall act contrary hereto, shall forfeit and pay the sum of twenty dollars for every such offence, to be recovered by action of debt, or information in any court of record; one moiety to the use of the informer, and the other to the use of the commonwealth; and moreover shall be liable to an action on the case to any person injured thereby. Penalty for transporting for hire, tobacco, &c. without a license

3. Every boat intended to be employed as aforesaid, shall be well ceiled with strong plank, and sufficiently high to prevent the water in the bottom from damaging any part of the cargo, and shall be furnished with a tarpaulin cover, stretched over hoops in the manner of waggon covers, sufficient for defending the weather, and also with a hand-pump, and shall have a plank footway upon each side of the boat, either on the outer or inside thereof, as the owner shall find most convenient, and shall be numbered, and no license shall be granted in any case, unless it be proven to the court, that the boat is ceiled, fitted, furnished and numbered, as herein before directed. How the licensed boats shall be fitted up.

4. Whenever a boat, licensed as aforesaid, shall be sold or transferred, the license shall be returned within two months thereafter, to the court from whence it issued, and the same shall be cancelled, and a new license granted to the purchaser or transferree in the manner and upon the terms herein before directed. Purchasers of such boats to return the licenses and take out others.

5. The clerk shall and may demand and receive for each license, a fee of one dollar. Clerk's fee for a license.

6. This act shall commence and be in force from and after the first day of July next. Commencement of this act.

CHAP. XI.

An Act to repeal in part an act concerning the Potowmac Company and for other purposes.

[Passed Nov. 23d, 1793.—Sess. acts of 1793, ch. 27, pa. 29.]

1. BE *it enacted*, That so much of the act of the general assembly, passed in the year one thousand seven hundred and eighty seven, entituled, "An act giving a more speedy remedy against de- The company authorised to sell shares of delinquent subscribers

linquent subscribers to the Potowmac and James River Companies," as relates to the Potowmac company, shall be, and is hereby repealed; and so much of the act of general assembly, entituled, "An act for opening and extending the navigation of Potowmac river," as directed the sale of the shares of delinquent subscribers, shall be, and remain in full force and effect.

Further time allowed for completing the navigation.

2. *And be it further enacted*, That the time for completing the navigation of Potowmac river, between the great falls and the head, shall be, and is hereby further extended until the first day of January, one thousand seven hundred and ninety-five, and that no privilege or advantage granted by law shall be forfeited or lost, in case the navigation aforesaid shall be finished within the time hereby limited; any thing in any act to the contrary thereof notwithstanding.

Where the tolls shall be payable.

3. *And be it further enacted*, That the several tolls made payable by the act of general assembly, entituled, "An act for opening and extending the navigation of Potowmac river at Payne's falls," shall, instead thereof, be payable at Hook's falls, and the tolls by the said act, made payable at the Great falls, shall be payable at the Great falls and at Watt's branch, in such proportion as shall be directed by the president and directors of the Potowmac company; and that the tolls by the said act made payable at the mouth of the South branch, shall be, and are hereby made payable at some convenient place between the mouths of Great Cacapeton and Conigocheague, to be appointed by the president and directors of the Potowmac company; any thing in any former act or acts of assembly to the contrary, notwithstanding.

This act suspended until a similar one is passed in Maryland.

4. *Provided always*, That this act, and every part thereof, shall be, and the same is hereby suspended, until the legislature of the state of Maryland shall pass a law or laws to the like effect.

CHAP. XII.

An Act giving further time for opening the Navigation of Potowmac River, above tide water.

[Passed December 12th, 1794.—Sess. acts of 1794, ch. 50, pa. 30.]

WHEREAS the several periods of time prescribed by different acts of Assembly, for extending the navigation of Potowmac River will shortly expire; *Be it enacted*, That the further time of two years from the first day of January next, shall be allowed for completing the said navigation; any law to the contrary notwithstanding.

CHAP. XIII.

An Act for completing the Navigation of the Potowmac River.

[Passed December 26th, 1795.—Sess. acts of 1795, ch. 25, pa. 23.]

Preamble.

WHEREAS it hath been represented to the present General Assembly, by the President and Directors of the Potowmac Canal Company, that the capital originally proposed for the said undertaking has proved insufficient to carry the same into complete effect, and that they have in pursuance and by virtue of the act incorporating the said company, added one hundred shares to their capital, at the rate of one hundred and thirty pounds sterling per share, of which shares a small proportion only hath been hitherto subscribed

for by individuals; and it is deemed proper that a work which commenced on so enlarged and liberal a plan, which has proceeded so far, and which promises to redound so amply to the advantage of the community, should continue to experience that aid which hath been hitherto given to it by this commonwealth:

Treasurer to subscribe for shares on behalf of the commonwealth.

1. *BE it therefore enacted*, That the treasurer be, and he is hereby authorised and required, to subscribe on behalf of the commonwealth, for twenty shares in the said additional capital proposed to be raised as aforesaid by the president and directors of the Potowmac company, which said shares shall be held and enjoyed in like manner as the shares already held by the commonwealth in the said company; and the money becoming due for the same shall be paid agreeably to the directions and provisions of the said act incorporating the said Potowmac Company; *Provided nevertheless*, That the money becoming due by virtue of the subscription above directed, shall not be paid on the part of this commonwealth, until the state of Maryland shall have subscribed for a proportionate or greater number of shares in the said additional capital; nor until the whole of the remaining shares shall have been subscribed for by the present members of the said company or other individuals.

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President, &c. authorised to restore any ground heretofore taken and have other condemned for the use of the company.

2. *And be it further enacted*, That the president and directors of the said Potowmac Company, shall be and they are hereby authorised, to relinquish any ground heretofore condemned for the use of the said company, agreeably to law, and to restore the same to the former proprietor thereof, and they are hereby also further authorised to proceed to the condemnation of such other ground, in lieu of such as they may relinquish, as to them shall seem adviseable.

Authorised also to contract the size of the locks.

3. *And be it further enacted*, That it shall be lawful for the said president and directors, to contract the size of the locks to be constructed at the great falls of Potowmac to the size of twelve feet. Any thing in any law to the contrary notwithstanding.

Repealing clause

4. So much of the act incorporating the said Potowmac Company, or of any other law as comes within the purview of this act, shall be and are hereby repealed.

Commencement of this act.

5. This act shall commence and be in force so soon as a similar act shall have been passed by the legislature of the state of Maryland.

CHAP. XIV.

An Act to authorise the Potowmac Company to employ a certain number of Slaves from the state of Maryland, for a limited time.

[Passed December 7th, 1796.—Acts of 1796, ch. 43, pa. 28.]

President and directors may employ a certain number of slaves from Maryland, for a limited time

BE it *enacted by the General Assembly*, That it shall be lawful for the president and directors of the Potowmac Company, to employ at the great falls of Potowmac river, any number of slaves from the state of Maryland, not exceeding sixty, for the space of one year from the time they shall be respectively brought to the said falls, for the purpose of improving the navigation of the said river; and that such slaves, or any of them, shall not be entitled to their freedom in consequence of such removal from the state of Maryland, and em-

ployment at the great falls as aforesaid; any law to the contrary thereof, notwithstanding.

CHAP. XV.

An Act concerning the Potowmac Company.

[Passed December 1st, 1796.—Acts of 1796, ch. 44, pa. 28.]

Further time to complete the navigation.

1. BE *it enacted by the General Assembly*, That the further time of four years, to be computed from the expiration of the term already given, shall be, and is hereby allowed the Potowmac company, to complete the navigation of Potowmac river.

Company may contract the size of locks.

2. The said company may, and they are hereby authorised, to contract the breadth of the locks to be constructed at the Great falls, to a space not less than fourteen feet, as they shall judge expedient; any law to the contrary, notwithstanding.

Commencement of this act.

3. This act shall commence and be in force, from and after the passing thereof.

CHAP. XVI.

An Act to amend the act, for opening and extending the Navigation, of Potowmac River.

[Passed January 24th, 1798.—Acts of 1797, ch. 3, pa. 5.]

Preamble.

WHEREAS the act, "For opening and improving the navigation of the river Potowmac, above tide water," has stipulated, that tolls shall not be received by the company, until the navigation aforesaid, shall be completed down to tide water: And whereas by means of the funds already employed, the said work is in such a state of improvement, as to afford not only considerable advantages to persons navigating the said river above the Great Falls, but also by an easy mode a full enjoyment of the benefits contemplated by the said act, may be had: And whereas it is thought just and necessary in consideration thereof, that the said company should be permitted to receive the tolls stipulated by the said act, in order that the company may thereby be aided in carrying into full and complete effect the wise policy of the legislature in this establishment:

Immediate receipt of tolls authorised.

1. *Be it therefore enacted*, That it shall and may be lawful for the said company to demand and receive from all vessels with their cargoes, navigating the said river, at the different places hereinafter mentioned, such tolls as were by the original law passed upon the subject of improving the said navigation, stipulated to be received, that is to say: At or near the mouth of Conigochigue, all such tolls as were stipulated to be received at the mouth of the South branch; and at or near Payne's or Hookes's Falls, and at or near the mouth of Watts's branch, or the Great Falls, the respective sums that were allowed to be received at each of those places. *Provided*, That all vessels with their cargoes, navigating the said river, between the Great Falls and the Little Falls, which shall not have passed the Great Falls, shall be subject to pay on passing the locks at the Little Falls, a like toll as is paid by vessels with their cargoes at the mouth of Conigochigue or Payne's Falls. *Provided nevertheless*, That the said company shall enable those paying toll at the Great Falls, by transporting their commodities from the Great Falls into

Proviso.

Further proviso.

the river below, at the expense of the said company, to transport them from thence to tide water, toll free.

2. *And be it further enacted*, That a further time of two years, from and after the expiration of the time already allowed by law, shall be allowed to the said company to complete the navigation of the said river, according to the terms of the original law. And that the president and directors for the time being, shall be authorised to employ as many negroes from the state of Maryland in the said work, as they may deem it necessary for their purposes to employ, without incurring the penalty, or having them at all affected by any act or acts heretofore passed relative to slaves. Further time allowed to complete navigation & power to hire negroes from Maryland.

3. This act shall be in force from and after the passing thereof. Commencement.

CHAP. XVII.

An Act to amend the act, entituled, an act to amend the act for opening and extending the Navigation of Potowmac River.

[Passed January 25th, 1800.—Acts of 1799, ch. 18, pa. 12.]

WHEREAS an act "To amend the act for opening and extending the navigation of Potowmac River," has allowed the Potowmac Company a further time of two years, from and after the expiration of the time before allowed by law, to complete the navigation of the said river according to the terms of the original law. And that the President and Directors for the time being, shall be authorised to employ as many negroes from the state of Maryland in the said work, as they may deem it necessary for their purposes to employ, without incurring the penalty or having them at all affected by any act or acts heretofore passed relative to slaves. And whereas it is thought just and necessary further to extend the privileges already recited: Preamble

1. *BE it therefore enacted*, That the said company shall be allowed until the end of the year eighteen hundred and two, to complete the navigation of the said river, according to the terms of the original law; and that the President and Directors for the time being, shall be authorised to employ as many negroes from the state of Maryland in the said work, as they may deem it necessary for their purposes to employ, without incurring the penalty, or having them at all affected by any act or acts heretofore passed relative to slaves. Further time allowed to finish the navigation of the river Potowmac.

2. This act shall be in force from and after the passing thereof.

CHAP. XVIII.

An Act to prevent obstructions to the Navigation of Potowmac River above the Falls.

[Passed January 7th 1800.—Acts of 1799, ch. 42, pa. 22.]

WHEREAS it is represented to this General Assembly, that the water carriage above the falls in the river Potowmac, and also in a branch of the said river, commonly called the South Branch, as high up the said branch as to Morefield, in Hardy county, is greatly obstructed by erecting fish dams and other obstructions therein; for remedy whereof, Preamble

All obstructions forbidden to be erected in certain parts of the Potowmac.

Fish dams, &c. deemed nuisances, and abated.

1. *BE it enacted*, That all fish dams or other devices for catching fish, and all other obstructions already made, or hereafter to be made in the river Potowmac, between the Little Falls and Savage Creek, or in the branch of the said Potowmac commonly called the South Branch, shall be, and they are hereby deemed and declared nuisances, and may be pulled down, abated and destroyed as such, by any person or persons whatsoever. It shall be the duty of every justice of the peace, upon information given to him on oath, of the existence of any such nuisance, to issue his warrant directed to the sheriff or any constable of his county, requiring such officer to remove the said nuisance without delay, who shall thereupon execute and effect the same, and if necessary he may summon sufficient aid for that purpose.

Penalties for erecting obstructions;

No person or persons whatsoever shall hereafter put, place or ereet any fish dam or obstruction, or place, or make any heap of stones within the said parts of either of the said rivers, under the penalty of fifty dollars for every such offence, to be recovered in any court of record within this commonwealth, with costs, by action of debt or information, (wherein but one imparlance shall be allowed) one half to the use of the informer or the party prosecuting, and the other half thereof to the justices of the county where the said prosecution may take place and applied towards clearing and improving the navigation of the said river.

Or preventing their abatement.

2. *And be it further enacted*, That if any person or persons shall obstruct or hinder the pulling down, destroying or abating any such nuisance as aforesaid, or shall assault, beat, or wound any person for having pulled down, destroyed, or abated any such nuisance as aforesaid, or for attempting so to do, every person so offending, shall forfeit and pay the sum of fifty dollars, to be recovered with costs, by action as aforesaid, and applied in like manner, and moreover be subject to the action of the party injured for damages.

In actions for penalties defendants to be held to bail.

3. In every action or suit commenced for the recovery of any of the penalties imposed by this act, and also in every action for an assault and battery, for any thing done or attempted to be done, in pursuance of this act, on an affidavit or other satisfactory proof to the court, in which the suit is depending, that there is just cause for bringing the same, the defendant shall and may be compelled to give sufficient bail.

Reservation of the rights of R. Parker.

4. *Provided*, That nothing herein contained shall affect any legal right now possessed by Robert Parker, to keep up a mill upon the South Branch of the said river Potowmac, under the regulations and conditions by law established.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. XIX.

An Act concerning the Potowmac Company.

[Passed January 27th, 1803.—Acts of 1802, ch. 75, pa. 51.]

Preamble.

1. WHEREAS it appears by a memorial from the directors of the Potowmac Company, that the locks erected at the Great Falls are only twelve feet in breadth, instead of fourteen feet as the law directs.

2. *BE it enacted and declared*, That the said locks which have been already erected and completed, shall be deemed and taken as sufficient and effectual as if the same had been constructed and erected of the breadth of fourteen feet; *Provided always*, that nothing herein contained shall be construed to authorise the erecting in future any lock or locks for the improvement of the navigation of the said river, of any dimensions less than eighty feet in length and twelve feet in breadth; *Provided also*, That every lock which shall hereafter be repaired or erected, shall be repaired or erected of stone, or such materials as a general meeting of the proprietors shall deem most conducive to the public interest and convenience.

Locks erected shall be lawful.

Proviso,

What kind of materials to be used for locks.

3. And whereas it appears by the said memorial, that doubts have arisen relative to the true construction of the seventeenth section of the act, entituled, "An act for opening and extending the navigation of the Potowmac River," in the specification therein mentioned and expressed of the seasons in which the said river shall be made well capable of being navigated. *Be it therefore enacted and declared*, That by the words "dry seasons," as used in the said section, were and are to be intended and understood, all seasons, so far as relates to the navigation of said river from Fort Cumberland to tide water.

The 17th sect. of the law for extending the navigation explained.

4. *And be it enacted*, That Tobias Lear, Stevens Thomson Mason, Lawrence A. Washington, Hugh Holmes, Nicholas Fitzhugh, Osborne Sprigg and Edward M'Carty, shall, and are hereby appointed commissioners, to explore and review the said river, at any time before the first day of November, when the water is in such a state as to enable them to judge most accurately of the work which has been done by said company, and they shall report to the next General Assembly, the manner in which the said work is done, the depth of the water in the shallowest places where boats generally pass, and all other necessary information that can be procured relative to the subject, together with their own opinions thereon.

Commissioners appointed to explore the river & report to general assembly.

5. *And be it further enacted*, That the said Potowmac Company are hereby authorised and empowered to employ from the state of Maryland, slaves for the purpose of further improving the navigation of the said river, and that the slaves so employed, shall not be entitled to their freedom in consequence of such removal from the state of Maryland, any law to the contrary notwithstanding.

Slaves from Maryland may be employed by the company.

6. *Be it enacted*, That the further time of three years, to be computed from the expiration of the term already given, shall be, and is hereby allowed the Potowmac Company to complete the navigation of said river.

A further time allowed for completing the navigation.

7. *Provided*, That a majority of the said commissioners shall be sufficient to execute the duties assigned them by this act; who shall be paid for their services by the Potowmac Company.

A majority commissioners may execute the duties assigned them and be paid for their services

8. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. XX.

An Act allowing a further time to the Potowmac Company for completing the Navigation of the Potowmac River, and for other purposes.

[Passed January 24th, 1806.—Acts of 1805, ch. 62, pa. 35.]

Further time of five years allowed Potowmac company to complete navigation.

1. BE *it enacted by the General Assembly*, That the further time of five years, to be computed from the expiration of the term already granted, shall be and is hereby allowed the Potowmac Company to complete the navigation of the Potowmac River.

Manner of transferring interest in said company.

2. *And be it further enacted*, That whensoever any person or persons shall seal and deliver a writing, purporting to be a conveyance of any share or shares in the said company, or of any interest in such share or shares, the said writing shall be sufficient for transferring such share or shares, or interest therein, if the same be acknowledged by the parties making such conveyance, or proved by three witnesses of the sealing and delivery of the writing, before any court of law, or two magistrates thereof, or the mayor or other chief magistrate of any city, town or corporation, certified by such court, magistrates, mayor, or chief magistrate, in the manner such acts are usually authenticated by them, and entered, registered, or recorded, in the books of the said company, within the time now allowed by law for making such entry, register, or record as aforesaid. And where a feme covert shall be a party making any conveyance as aforesaid, her acknowledgment thereof may be taken without the formality of a commission to be issued for that purpose; but shall be made by such feme covert privily and apart from her husband as heretofore, in presence of the court or persons herein authorised to certify the same, before the said writing shall be considered as effectual for conveying the right or interest of such feme covert.

Commencement

3. This act shall be in force from the passing thereof.

CHAP. XXI.

An Act for opening and extending the Navigation of Shenandoah River.

[Passed January 23d, 1798.—Acts of 1797, ch. 35, pa. 20.]

Preamble.

WHEREAS the extension of the navigation of Shenandoah River, will be of public utility, and the Potowmac Company having relinquished their right to the opening thereof, on certain conditions: And whereas it may be necessary to cut canals, and erect locks, and other works on both sides of the river, and the legislature of Virginia, impressed with the importance of the object, are desirous of encouraging so useful an undertaking:

Persons authorised to receive subscriptions in certain places.

1. *BE it therefore enacted by the General Assembly*, That it shall and may be lawful to open books in Winchester, under the direction of Robert Macky, Hugh Holmes, and Adam Douglas; in Charlestown, under the direction of George Hite, Thomas Hammond and Van Rutherford; in Woodstock, under the direction of William H. Dulaney, Robert Gaw and Isaac Bowman; in Harrisonburg, under the direction of John Koontz, Asher Waterman and Thomas Harrison; in Staunton, under the direction of Archi-

bald Stewart, Alexander St. Clair and James Edmondson; and in Martinsburg, under the direction of Philip Pendleton, David Hunter and Elisha Boyd; which subscriptions shall be made personally, or by power of attorney, in Spanish milled dollars. The said books shall be opened for receiving subscriptions, on the first day of March next, and continue open for this purpose, until the first day of January, in the year one thousand seven hundred and ninety-nine; and on the fifteenth day of the said month of January last mentioned, there shall be a general meeting of the subscribers, at Woodstock, of which meeting, notice shall be given by the said managers, or any three of them, in the Winchester Gazette, at least one month next before the said meeting, and such meeting shall and may be continued from day to day, until the business is finished; and the acting managers at the time and place hereinafter mentioned, shall lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept, containing the state of the said subscriptions: And if one half the capital sum herein after mentioned, should, upon examination, appear not to have been subscribed, then the said managers at the said meeting, are empowered to take and receive subscriptions, to make up the deficiency, and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any three or more of them, under their hands, into the district court held at Winchester, to be there recorded.

Subscriptions shall commence on the 1st March next, and general meeting of subscribers take place at Woodstock, Jan'ry 15, 1799.

Managers to make report of their proceedings to said meeting.

List of subscribers to be recorded.

2. And in case more than one hundred and twenty thousand dollars shall be subscribed, then the same shall be reduced to that sum, by the said managers, or a majority of them, by beginning at, and striking off a share from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest, and above one share, until the sum is reduced to the capital aforesaid; or, until a share is taken from all subscriptions above one share; and lots shall be drawn between the subscribers of equal sums, to determine the numbers in which such subscribers shall stand, on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then to strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or all the subscriptions are reduced to one share; and if there still be an excess, then lots to be drawn to determine the subscribers who are to be excluded, to reduce the subscriptions to the capital aforesaid, which striking off, shall be certified in the list aforesaid, and the said capital sum shall be reckoned and divided into six hundred shares, of two hundred dollars each, of which, every person subscribing, may take and subscribe for one or more whole shares, and not otherwise. *Provided*, That unless one half of the said capital shall be subscribed as aforesaid, all subscriptions made in consequence of this act, shall be void; and in case one half, and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed to take and receive the subscriptions which shall first be offered in whole shares as aforesaid, until the deficiency shall be made up, a certificate of which additional subscriptions, shall be made under the hands of the president and directors, or a majority of them, for the time being, and returned to, and recorded in, the district court aforesaid.

Capital divided into 600 shares of 200 dols. each —and proceedings incase of excess in the number of shares.

Proviso.

Subscribers incorporated, shall elect a president and four directors—Votes how taken.

3. *And be it further enacted*, That in case one half of the said capital, or a greater sum shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of the said first meeting, shall be, and are hereby declared to be incorporated into a company by the name of the Shenandoah Company, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers, or a majority of them, shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company, and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

Power of president and directors in managing the company's concerns, appointing officers, &c.

4. *And be it further enacted*, That the said president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority to agree with any person or persons, on behalf of the said company, to cut such canals and erect such locks, and perform such other works, as they shall judge necessary, for opening, improving and extending the navigation of the said river, to the highest parts of the North and South Branches, to which navigation can be extended, and carrying on the same from place to place, and from time to time, and upon such terms and in such manner, as they shall think fit; and out of the money arising from the subscriptions and the tolls, and the other aids herein after given, to pay for the same, and to repair and keep in order the said canals, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk and such other officers, toll-gatherers, managers and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass and sign their accounts, and also to make and establish rules of proceeding, and to transact all the other business and concerns of the said company, in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein, such sum of money as shall, by a general meeting of the subscribers be determined. *Provided always*, That the treasurer shall give bond, in such penalty, and with such security, as the said president and directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him for his services, shall not exceed three pounds in the hundred for the disbursements by him made, and that no officer in the said company, shall have any vote in the settlement or passing of his own account.

How compensated for their services.

Treasurer to enter into bond with security &c.

President, &c. to direct when and what proportion of money on each share shall be advanced by subscribers.

5. *And be it further enacted*, That the said president and directors, and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month

for by individuals; and it is deemed proper that a work which commenced on so enlarged and liberal a plan, which has proceeded so far, and which promises to redound so amply to the advantage of the community, should continue to experience that aid which hath been hitherto given to it by this commonwealth:

1. *BE it therefore enacted*, That the treasurer be, and he is hereby authorised and required, to subscribe on behalf of the commonwealth, for twenty shares in the said additional capital proposed to be raised as aforesaid by the president and directors of the Potowmac company, which said shares shall be held and enjoyed in like manner as the shares already held by the commonwealth in the said company; and the money becoming due for the same shall be paid agreeably to the directions and provisions of the said act incorporating the said Potowmac Company; *Provided nevertheless*, That the money becoming due by virtue of the subscription above directed, shall not be paid on the part of this commonwealth, until the state of Maryland shall have subscribed for a proportionate or greater number of shares in the said additional capital; nor until the whole of the remaining shares shall have been subscribed for by the present members of the said company or other individuals.

Treasurer to subscribe for shares on behalf of the commonwealth.

Proviso.

2. *And be it further enacted*, That the president and directors of the said Potowmac Company, shall be and they are hereby authorised, to relinquish any ground heretofore condemned for the use of the said company, agreeably to law, and to restore the same to the former proprietor thereof, and they are hereby also further authorised to proceed to the condemnation of such other ground, in lieu of such as they may relinquish, as to them shall seem adviseable.

President, &c. authorised to restore any ground heretofore taken and have other condemned for the use of the company.

3. *And be it further enacted*, That it shall be lawful for the said president and directors, to contract the size of the locks to be constructed at the great falls of Potowmac to the size of twelve feet. Any thing in any law to the contrary notwithstanding.

Authorised also to contract the size of the locks.

4. So much of the act incorporating the said Potowmac Company, or of any other law as comes within the purview of this act, shall be and are hereby repealed.

Repealing clause

5. This act shall commence and be in force so soon as a similar act shall have been passed by the legislature of the state of Maryland.

Commencement of this act.

CHAP. XIV.

An Act to authorise the Potowmac Company to employ a certain number of Slaves from the state of Maryland, for a limited time.

[Passed December 7th, 1796.—Acts of 1796, ch. 43, pa. 28.]

BE *it enacted by the General Assembly*, That it shall be lawful for the president and directors of the Potowmac Company, to employ at the great falls of Potowmac river, any number of slaves from the state of Maryland, not exceeding sixty, for the space of one year from the time they shall be respectively brought to the said falls, for the purpose of improving the navigation of the said river; and that such slaves, or any of them, shall not be entitled to their freedom in consequence of such removal from the state of Maryland, and em-

President and directors may employ a certain number of slaves from Maryland, for a limited time

duplicate of which shall be entered on the said company's books: And at such yearly general meetings, after leaving in the hands of the treasurer such sum as the proprietors or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the neat profits, arising from the tolls hereby granted, shall be ordered and made to and among all the proprietors of the said company, in proportion to their several shares: And upon any emergency in the interval between the said yearly meetings, the president, or a majority of the said directors, may appoint a general meeting of the proprietors of the said company, at any convenient town, giving at least one month's previous notice in the Winchester Gazette aforesaid, which meeting may be adjourned and continued as aforesaid.

Extra meetings may be appointed.

9. *And be it further enacted*, That for and in consideration of the expenses the said proprietors will be at, not only in cutting the said canals, erecting locks and other works for opening the different falls of the said river, and in improving and extending the navigation thereof, but in maintaining and keeping the same in repair; the said canals and works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs and assigns, forever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from payment of any tax, imposition, or assessment whatsoever.

Tolls demandable for the use of this navigation, which is hereby vested in the stockholders, & forever exempted from taxation.

10. It shall and may be lawful for the said president and directors, at all times forever hereafter, to demand and receive at Little's Falls on the said river, or any place below the same falls which the president and directors or a majority thereof shall fix upon for that purpose, the following tolls or rates, that is to say:

	Dolls.	Cts.
For every pipe or hogshead of wine, containing more than sixty-five gallons,		66
every hogshead of rum or other spirits,		55
every hogshead of tobacco,		44
every cask between sixty-five and thirty-five gallons, one half of a pipe or hogshead, barrels, one fourth part, and smaller casks or kegs in proportion, according to the quality and quantity of their contents of wine or spirits.		
casks of linseed oil, the same as spirits.		
every bushel of wheat, peas, beans, or flax-seed,		3
every bushel of Indian corn or other grain, or salt,		1
every barrel of pork,		22
every barrel of beef,		15
every barrel of flour,		11
every ton of hemp, flax, pot-ash, bar or manufactured iron,	1	10
every ton of pig iron or castings,		40
every ton of copper, lead, or other ore, other than iron ore,		90
every ton of stone, or iron ore,		20
every hundred bushels of lime,		55
every chaldron of coals,		20
every hundred pipe staves,		9
every hundred hogshead staves, or pipe or hogshead heading,		6

	Dolls.	Cts.
For every hundred barrel staves or barrel heading,		4
every hundred cubic feet of plank or scantling,		40
every hundred cubic feet of other timber,		22
every gross hundred weight of all other commodities and packages,		6
every empty boat or vessel, which has not commodities on board to yield so much, except an empty boat or vessel returning, whose load has already paid at the aforesaid place the sum fixed, in which case she is to repass toll free,	1	10

which tolls may be discharged in dollars and cents, or other coin made current by law.

11. And in case of refusal or neglect to pay the tolls at the time of offering to pass through the place aforesaid, and previous to the vessel's passing through the same, the collectors of the said tolls may lawfully refuse passage to such vessels; and if any vessel shall pass without paying the said tolls, then the said collectors may seize such vessel wherever found and sell the same at auction, for ready money, which so far as is necessary, shall be applied towards paying the said tolls, and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner: And the person having the direction of such vessel, shall be liable for such toll, if the same is not paid by sale of such vessel as aforesaid. *Provided*, That the said proprietors, or a majority of them, holding at least three hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll. Penalty for non-payment of tolls. Proviso.

12. *And be it further enacted*, That the said river and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities, or produce whatsoever, on payment of the tolls imposed by this act, and no other toll or tax whatever for the use of the water of the said river, and the works thereon erected, shall at any time hereafter be imposed by the General Assembly of Virginia. Navigation declared free to all—subject to payment of tolls herein mentioned.

13. And whereas it is necessary for the making the said canal, locks, and other works, that a provision should be made for condemning a quantity of land for the purpose, *Be it enacted*, That it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the state, on application to any two justices of the county in which such land shall lie, the said justices shall issue their warrant under their hands, to the sheriff of their county to summon a jury of twenty-four inhabitants of his county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, on a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirma- Land requisite for completion of this work, how acquired.

Jurors convened for valuing lands, &c. shall be sworn.

tion to every juryman who shall appear, "That he will faithfully, "justly and impartially, value the land, (not exceeding in any case "the width of one hundred and forty feet) and all damages the own- "er thereof shall sustain by cutting the canal through such land, ac- "cording to the best of his skill and judgment, and that in such va- "luation he will not spare any person, through fear or affection, nor "any person grieve, through malice, hatred or ill-will." And the in-

Inquisition to be signed by sheriff and jurors & returned to court & recorded—their valuation of damages, &c. conclusive.

quisition thereupon taken, shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land, or his legal representative, and on payment thereof, the said company shall be seized in fee, of such land, as if conveyed by the owner to them and their successors by legal conveyance. *Provided nevertheless*, That if any farther damage shall arise to any proprietor of land in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new damage shall happen, by application to, and a warrant from any two justices of the county where the lands lie, to have such farther damage valued by a jury in like manner, and to receive and recover the same of the said president and directors: But nothing herein shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills, forges, or other water-works or improvements which shall be begun or erected by such proprietor, after such first valuation, unless the said damage is wilfully or maliciously done by the said president and directors, or some person by their authority.

Proviso.

Further proviso.

President, &c. to purchase a piece of land near the place of receiving tolls, & proceedings in case of disagreement in the price thereof.

14. *And be it further enacted*, That the said president and directors, or a majority of them, are hereby authorised to agree with the proprietors, for the purchase of a quantity of land not exceeding one acre, at or near the place of receipt of tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned, and paid for as aforesaid, for the purpose aforesaid; and the said company shall, upon payment of the valuation of the said land be seized thereof in fee simple, as aforesaid.

Company may notuse the water for the purpose of mills &c. without consent of owners of land thro' which the same is conducted.

15. And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills, forges, and other water works, and the persons possessors of such situations may design to improve the same; and it is the intention of this act not to interfere with private property, but for the purpose of improving and perfecting the said navigation: *Be it enacted*, That the water or any part thereof conveyed through any canal cut or made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land through which the same shall be led, be first had, and the said president and directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done, to answer both the purposes of navigation and water-works aforesaid, to enter into rea-

sonable agreements with the proprietors of such situation concerning the just proportion of the expenses of making large canals or cuts, capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water-works as aforesaid.

Proprietors may sell and transfer their shares.

16. *And be it further enacted*, That it shall and may be lawful for every of the said proprietors to transfer his share or shares, by deed, executed before two witnesses, and registered, after proof of the execution thereof in the company's books, and not otherwise, except by devise, which devise shall be exhibited to the president and directors, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls. *Provided*, That no transfer whatsoever shall be made, except for one or more whole share or shares, and not for part of such shares; and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit, or in the name of another, whereby the said president and directors or proprietors of the said company, or any of them, shall or may be challenged or made to answer, concerning any such trust, but that every person appearing as aforesaid, to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such, but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

Proviso.

Number of shares for raising capital proposed by this act, may if necessary, be augmented.

17. *And be it further enacted*, That if the said capital and the other aids already granted by this act, shall prove insufficient, it shall and may be lawful for the said company, from time to time, to encrease the said capital by the addition of so many more whole shares, as shall be judged necessary by the said proprietors, or a majority of them, holding at least four hundred shares, present at any general meeting of the said company; and the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the Winchester Gazette, aforesaid, to open books at the before mentioned places, for receiving and entering such additional subscriptions, in which the proprietors of the said company, for the time being, shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened, as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose: And the said president and directors are hereby required to observe in all other respects the same rules therein, as are by this act prescribed, for receiving and adjusting the first subscriptions, and in like manner to return, under the hands of any four or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the district court aforesaid, as aforesaid, to be there recorded, and all proprietors of such additional sums shall and are hereby declared to be from thenceforward incorporated into the said company.

Original proprietors to have preference in subscriptions for such increase.

Same rules to be observed in other respects, which governed in receiving the first subscriptions.

Tolls not demandable unless the navigation is completed.

18. *And be it hereby declared and enacted*, That the tolls herein before allowed, to be demanded and received at the place or places to be affixed as aforesaid, are granted, and shall be paid on condition only, that the said Shenandoah Company shall make the river well capable of being navigated in dry seasons by vessels drawing one foot water, from the highest navigable places on the north and south branches of the said river, to the place aforesaid.

Benefits of this act done away in case of failure to commence and complete the work in a certain time.

19. *And be it hereby provided and enacted*, That in case the said company shall not begin the said work within nine calendar months after the company shall be formed, or if the navigation shall not be made and improved as aforesaid, in the manner herein before mentioned, within three years after the said company shall be formed, that then the said company shall not be entitled to any benefit, privilege or advantage under this act.

Commencement

20. This act shall commence and be in force from and after the passage thereof.

CHAP. XXII.

An Act authorising the Potowmac Company to open the Shenandoah River.

(Passed January 13, 1802.—Acts of 1801, ch. 64, pa. 33.)

Preamble

1. WHEREAS the extension of the navigation of the river Shenandoah will be of public utility, for which purpose it may be necessary to cut lands and erect locks and other works on both sides of the river, and the legislature of Virginia being impressed with the importance of the object, and desirous of encouraging so useful an undertaking; *And whereas* it is in proof before the legislature, that the endeavors to form a company for that purpose, under the act of the legislature, passed January the twenty third, one thousand seven hundred and ninety-eight, have been ineffectual, and the Potowmac company having by their board of directors, communicated to the present legislature their willingness to undertake that important work;

Profits from opening Shenandoah river, vested in Potowmac company.

2. *BE it therefore enacted by the General Assembly*, That for and in consideration of the expenses the said company will be at, not only in cutting the said canals, erecting locks and other works, for opening the different falls of the said river, and the north and south branches thereof, to wit: The north branch up to the mouth of Smith's creek in the county of Shenandoah, and the south branch, to a place called Carthrae's in the county of Rockingham, where the said south branch forks, and in improving and extending the navigation thereof, but in maintaining and keeping the same in repair, the said canals and works with all their profits, shall be and the same are hereby vested in the stockholders of the Potowmac company, their heirs and assigns forever, as tenants in common, in proportion to the shares held by them respectively, and the same shall be deemed real estate, and be forever exempt from payment of any tax, imposition or assessment whatsoever; and the said president and directors shall be entitled to demand and receive at such place or places on the said river, as they shall think proper, the same

Tolls.

tolls which were allowed the Shenandoah company under the act of the general assembly, passed the twenty third day of January one thousand seven hundred and ninety eight, entituled, "An act for opening and extending the navigation of the Shenandoah river," but which tolls shall be subject to a reasonable deduction by the legislature, after the end of seven years from the completion of the said navigation, and they shall demand the said tolls immediately after they have rendered the mouth of the said river Shenandoah navigable, which tolls may be discharged in dollars and cents and other coin made current by law.

3. And in case of refusal or neglect to pay the tolls at the time of offering to pass through the place aforesaid, and previous to raft or vessel passing through the same, the collectors of the said tolls may lawfully refuse passage to such raft or vessel, and if any vessel or raft of timber shall pass without paying the said tolls, then the said collectors may seize such vessel or raft of timber wherever found, and sell the same at auction for ready money, which so far as is necessary, shall be applied towards paying the said tolls, and all expenses of seizure and sale, and the balance if any, shall be paid to the owner; provided always that any person having the direction of such vessel or raft of timber, shall be liable for such toll, if the same is not paid by the sale of such timber or vessel as aforesaid, and that the said company, or a majority thereof, holding at least four hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls or any of them, or to determine that any vessel may pass free of toll.

Regulation where payment of tolls is refused.

Tolls may be lessened by the company.

4. *And be it further enacted*, That the said river and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities or produce whatsoever, on payment of the tolls imposed by this act, and no other toll or tax whatever for the use of the water of the said river, and the works thereon erected, shall at any time hereafter, be imposed by the general assembly of Virginia.

The river when opened to be free for passage of any article on payment of tolls.

5. And whereas it is necessary for making the said canals, locks and other works, that a provision should be made for condemning a quantity of land for the purpose; *Be it enacted*, That it shall and may be lawful for the president and directors or a majority of them, to agree with the owners of any land, through which a canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the state, on application to any two justices of the county, in which such land shall lie, the said justices shall issue their warrant under their hands, to the sheriff of their county, to summon a jury of twenty-four freeholders of his county not related to the parties, nor in any manner interested, to meet on the land to be valued, on a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every juryman, that he will faithfully, justly and impartially value the land (not exceeding in any case the width of one hundred and forty feet) and all damages the owner thereof shall sustain, by cutting the canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person, through fear or affection, nor any person grieve through malice, hatred or ill will, and the inquisition thereupon taken, shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded, and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the president and directors to the owner of the land, or his legal representative, and

Lands necessary for making canals, &c. how to be condemned.

on payment thereof, the said company shall be seized in fee, of such land, as if conveyed to them and their successors by legal conveyance: *Provided nevertheless*, That if any further damages shall arise to any proprietor of lands, in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as such new damage shall happen, by application to, and a warrant from any two justices of the county where the lands lie, to have such further damage valued by a jury in like manner, and to receive and recover the same of the said president and directors; but nothing herein shall be taken or construed, to entitle the proprietor of any such land, to recover compensation for any damages which may happen to any mills, forges or other water works, or improvements which shall be begun or erected by such proprietor, after such first valuation, unless the said damage is wilfully or maliciously done by the said president or directors, or some person by their authority.

Lands for buildings, how to be condemned.

6. *And be it further enacted*, That the said president and directors or a majority of them, are hereby authorised to agree with the proprietors for the purchasing of a quantity of land, not exceeding one acre, at or near the place where any lock or set of locks connected with each other, must be constructed for the purpose of erecting the necessary buildings, and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned and paid for as aforesaid, for the purpose aforesaid, and the said company shall upon payment of the valuation of the said land, be seized thereof in fee simple as aforesaid.

President & directors empowered to enter into agreements with proprietors of certain situations.

7. And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting forges, mills and other water works, and the persons possessors of such situation, may design to improve the same, and it is the intention of this act not to interfere with private property, but for the purpose of perfecting and improving the said navigation. *Be it enacted*, That the water or any part thereof, conveyed through any canal or cut made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land through which the same shall be led, be first had, and the said president and directors or a majority of them, are hereby empowered and directed if it can conveniently be done, to answer both the purposes of navigation and water works aforesaid, to enter into reasonable agreements with the proprietors of such situation, concerning the just proportion of the expenses of making large canals or cuts, capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works as aforesaid.

Tolls to be paid on certain conditions.

8. *And be it hereby declared and enacted*, That the tolls herein before allowed, to be demanded and received at the place to be fixed as aforesaid, are granted and shall be paid on condition only, that the said Potowmac company, shall make the river Shenandoah, well capable of being navigated in the common dry seasons of the year, by vessels drawing one foot water on the highest navigable places in the north and south branches of the said river, to the junction thereof with the river Potowmac.

9. *Be it further enacted*, That if the navigation of the said river shall not be made and improved in the manner herein before mentioned, within five years from the passing of this act, that then the said company shall not be entitled to any benefit, privilege or advantage under this act. Five years allowed for carrying this act into effect.

10. *Be it further enacted*, That the president and directors of the said company, may during the time they shall be engaged in rendering the said river navigable, in the manner hereby directed, employ slaves for that purpose, from the state of Maryland, or any other state in the union, and that the slaves so employed shall not be entitled to freedom or any other advantages which they might derive from or under any of the acts of the legislature of Virginia for preventing the importation of slaves into the state. Slaves from any state may be employed in opening said river.

11. *And be it further enacted*, That if the said president and directors shall deem it necessary to increase the capital of the said company, for the purpose of completing and carrying on the said works, it shall and may be lawful for them to open books, and receive subscriptions therein of one hundred shares in addition to the shares now held by the present Potowmac Company, and such subscribers on paying the sum of one hundred and forty-five pounds sterling each, to the said president and directors, or their treasurer, in such proportions and times, as they the said president and directors shall appoint, shall thenceforth be deemed and considered as members of the said company, and be entitled to receive their full dividends and proportions of the tolls herein mentioned. Capital of the company; how to be increased.

12. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. XXIII.

An Act to repeal a part of the act, entituled an act authorising the Potowmac Company to open the Shenandoah River.

[Passed January 4th, 1803.—Acts of 1802, ch. 65, pa. 47.]

1. BE *it enacted by the General Assembly*, That so much of the act passed at the last session, entituled, "An act authorising the Potowmac Company, to open the Shenandoah River," as reserves to the legislature the right of reducing, after the expiration of seven years from the completion of the navigation of the said river, the tolls by the said act allowed, shall be and is hereby repealed. Part of the act for opening the Shenandoah river repealed.

2. And the tolls granted by the said act are hereby secured to the stockholders of the Potowmac Company, their heirs and assigns for ever, in the same manner that the tolls on the Potowmac have been heretofore secured by the legislatures of Virginia and Maryland. Tolls secured to the stockholders and their assigns forever.

3. *And be it further enacted*, That the term of five years allowed by the before recited act for completing the navigation of the Shenandoah River shall be computed from the time of passing this act. Time for completing the navigation.

4. This act shall be in force from the passing thereof. Commencement

ACTS CONCERNING THE NAVIGABLE BRANCHES OF THE POTOWMAC RIVER.

SOUTH BRANCH OF THE POTOWMAC RIVER.

An Act for improving the Navigation of the South Branch of Potowmac River.

[Sess. acts of 1785, ch. 19, pa. 18.]

An Act concerning Mill Dams on the South Branch of Potowmac River.

[Sess. acts of 1786, ch. 74, pa. 44.]

An Act concerning the Slopes in the Mill Dams on the South Branch of Potowmac River.

[Passed November 25th, 1791.—Sess. acts of 1791, ch. 33, pa. 16.]

An Act to amend an act, entituled an act concerning the Slopes in the Mill Dams, on the South Branch of Potowmac.

[Passed January 16th, 1802.—Acts of 1801, ch. 53, pa. 29.]

APPOMATTOX COMPANIES. { APPENDIX No. III.

CHAP. I.

An Act for opening and extending the Navigation of Appomattox River.

[Passed December 17th, 1787.—Acts of 1787, ch. 53, pa. 37.]

1. WHEREAS it is represented to this present General Assembly, that the clearing, improving and extending the navigation of Appomattox River, to the highest part practicable, will be of great benefit and public utility, and that many persons are willing to subscribe considerable sums of money for carrying the same into effect. *Be it therefore enacted*, That John Pride, John Holcombe, Joseph Michaux, John Archer, Joseph Jones, Everard Meade and Richard Crump, Gentlemen, be and they are hereby constituted and appointed trustees for clearing, improving and extending the navigation of the said river, from Banister's mill as far up the same as they may judge it practicable, so as to have a sufficient depth and width of water to navigate boats, batteaux, or canoes, capable of carrying six hogsheads of tobacco, and they are authorised to take and receive subscriptions for that purpose: If any person shall neglect or refuse to pay the money by him subscribed for the purposes of this act, it shall be lawful for the said trustees to recover the same by warrant before a single magistrate where the subscription shall not exceed twenty-five shillings, and where it shall exceed that sum, by motion in the court of the county where the person resides, provided the party has ten days previous notice of such motion. The said trustees or a majority of them, shall, as soon as may be, proceed to view the said river, and ascertain as

nearly as they can, the highest part capable of navigation, according to this act; and have power to contract and agree with any person or persons for clearing and improving the navigation of the said river, in such manner as the trustees shall judge proper, and to remove all obstructions which in any wise injure the said navigation.

2. *And be it further enacted*, That the said trustees, or a majority of them, as often as they may see occasion, shall nominate and appoint one or more of their number to be receiver or receivers of all monies subscribed by virtue of this act; and the person or persons so appointed shall, in the court of the county where they respectively reside, give bond with sufficient security, in a reasonable penalty, payable to the said trustees and their successors, for the time being, with condition that he or they, his or their heirs, executors, or administrators, at all times when required, will truly and faithfully account for all such sums of money as shall come to the hands of the said receiver or receivers, for the purposes of this act, and pay the same to such person or persons as the said trustees or a majority of them shall order and direct.

3. And whereas it may be found necessary in some parts of the said river, to straighten the same by cutting away the bank or by a canal, *Be it therefore enacted*, That it shall and may be lawful for the said trustees, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non-compos, or out of the state, the like proceedings shall be had to estimate the value thereof by a jury, as are directed and prescribed by the act entituled "An act for opening and extending the navigation of Potowmac river," and such valuation shall be paid by the said trustees to the owner of the said land, or his legal representative, and on payment thereof, the said land shall thenceforth be vested in the said trustees, and their successors in fee, for the purposes of this act. The said trustees and their successors, or a majority of them, shall have power and authority to agree with any person or persons, to cut such canals, and erect such locks, and to perform such other works, as they may think necessary for opening, improving and extending the navigation of the said river, and out of the money arising from the subscriptions, and tolls hereafter given to pay for the same, and to repair and keep in order the said canals, locks and other works necessary thereto, and to defray all incidental charges, and to appoint such toll gatherers, managers and servants, as they shall judge requisite, and to agree for, and settle their respective wages, or allowances, and settle and pass their accounts, and to make and establish such rules of proceeding, and to transact all the other business and concerns for the purpose of carrying this act into execution.

4. *And be it further enacted*, That for, and in consideration of the expense the subscribers will be at, not only in cutting canals, erecting locks or other work and labor for opening, improving and extending the navigation of the said river, but in maintaining and keeping the same in repair, the said canals and works with all their profits, shall be, and the same are hereby vested in the said trustees, and their successors forever, to, and for the use of the subscribers

and their heirs, as tenants in common, to be apportioned among them, according to the sums by them respectively subscribed and paid, and the same shall be deemed real estate, and be forever exempt from payment of any tax, imposition or assessment whatsoever, and it shall and may be lawful for the said trustees, and their successors, at all times hereafter to demand and receive at such place or places upon the said river as they may think most convenient, for all commodities transported through either of them respectively, tolls not exceeding those imposed by the said recited act: and in case any person shall refuse or neglect to pay the tolls at the time of offering to pass through any of the said places, and previous to the vessels passing through the same, the collectors of the said tolls, may lawfully refuse passage to such vessels, and if any vessel shall pass without paying the said toll, then the said collectors may seize such vessel wherever found, and sell the same at auction, for ready money, which, so far as is necessary, shall be applied towards paying the said tolls, and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner, and the person having the direction of such vessel, shall be liable for such toll, if the same is not paid by sale of such vessel as aforesaid.

5. *And be it enacted*, That it shall and may be lawful for every subscriber to transfer his interest in the said canals, or works, in the same manner and under the like conditions and exceptions as are prescribed by the said recited acts. The owners of mills on the said river above Banister's mill, and every of them, shall within eighteen months after passing this act, erect good and sufficient locks through their dams, or on canals convenient and proper around them, so as to procure an easy, safe, and expeditious passage for loaded canoes, boats, and batteaus, both up and down the said river, through or around each and every of the said dams; and moreover the said owners of mills on the said river, shall keep the said locks in good and sufficient repair, and cause to be given constant attendance at the same, by some person or persons, whose duty it shall be, to work and manage the said locks at all times when thereto required by any person for the purpose of passing through the same with craft as aforesaid, without delay, giving them free passage, and on failure so to do, the offender shall forfeit and pay the sum of five pounds for every time such failure shall happen, and be moreover liable to the party grieved for damages, which said penalty may be recovered in the court of the county where the offender resides, by motion on ten days previous notice, by any person who will inform or sue for the same.

6. *And be it enacted*, That if any owner or owners of mills on the said river shall refuse or fail to build such good and sufficient locks, for passing through, or around his or their mill dam or mill dams as aforesaid, for the purposes of this act, within eighteen months as aforesaid, then and in that case, the mill dam or mill dams, not having such locks, are hereby declared to be nuisances and shall and may be abated, and thrown down and destroyed. And the trustees aforesaid, or a majority of them, are hereby empowered and directed to cause the said dams to be cleared away, and to present an account of the reasonable expense thereof, to the owners of the same, which expenses he or they shall pay, or on failure the amount thereof may be recovered against him or them by the said

trustees, on motion to the court of the county, giving him or them ten days previous notice thereof.

7. *And be it further enacted*, That if any land holder on the said river, shall suffer any tree to be felled from his land into the same, and therein to remain the space of twenty four hours, at any time after the navigation of the same hath become practicable, every such landholder shall forfeit and pay the sum of forty shillings to any person who will inform or sue for the same in any court of record. The said trustees and their successors, are hereby declared to be incorporated, by the name of the Appomattox Trustees, and may sue and be sued as such. In case of vacancy by death, refusal to act, resignation, or other legal disability, of any one or more of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to elect others in their stead. *Provided nevertheless*, that the said trustees shall be compelled to begin this work as near to Banister's mill as circumstances will admit. So much of all and every act, and acts, as comes within the meaning of this act, is hereby repealed.

CHAP. II.

An Act for improving the Navigation of Appomattox River, from Broadway to Pocahontas Bridge.

[Passed December 30, 1788.—Acts of 1788, ch. 82, ps. 48.]

1. WHEREAS it hath been represented to the present general assembly, that the navigation of Appomattox river might be greatly improved by deepening the channel from Pocahontas bridge to Broadway, so as to admit large vessels to go up to the town of Petersburg: *BE it therefore enacted by the General Assembly*, That books shall be opened in the town of Petersburg, on the first day of February next, under the management of Robert Bolling, junior, Joseph Jones, Theodorick Bland, Christopher M'Conico, Thomas Griffin Peachy, James Campbell, Edward Pegram, and William Barksdale, for receiving subscriptions for the purpose of deepening the channel of the said river. The subscriptions shall be made personally or by power of attorney, and shall be in current money, and paid in gold or silver coin at the current value. The capital to be subscribed for the purpose aforesaid, shall be ten thousand pounds, and shall be divided into two hundred shares of the value of fifty pounds each. Any person may subscribe one or more whole shares, but no subscription shall be received for less than one share.

2. So soon as one half of the said capital shall be subscribed, the managers herein before named, shall by advertisement in the Petersburg Gazette, call a general meeting of the subscribers at the said town of Petersburg. The subscribers who are present at the said meeting shall choose a president and four directors, and thereafter the subscribers, their heirs and assigns, shall be incorporated into a company, by the name of the Appomattox Company, and by that name may sue and be sued. The president and directors shall continue in office for one year, and from thence until the next meeting of the company; and they, or a majority of them, shall have full power to receive subscriptions until the before mentioned capital is completed: to contract with any persons on behalf of the company to perform such works as they judge necessary for deepening the

channel of the said river from Pocahontas bridge to Broadway, and for keeping the same open: to appoint such officers as they deem necessary, to be employed in the service of the company: to call a meeting of the company when necessary, to receive from the subscribers the sums respectively subscribed by them, at such times, and in such proportions, as they shall judge proper: and to transact all the other business and concerns of the said company.

3. If any member shall fail to pay to the person authorised by the president and directors to receive the same, the proportion of the subscription required of him within one month after such requisition is made in the Petersburg Gazette, the said president and directors may recover the same by motion in the general or district court, in the same manner as the president and directors of the James river and Potowmac companies, can recover the arrears due from any member of the said companies.

4. There shall be a meeting of the said Appomattox company, on the first Monday in May, in every year, at which, members or their proxies, having one hundred and five shares at the least, shall be present, and at any intermediate meeting, members or proxies, having sixty shares shall be sufficient.

5. If a sufficient number of members be not present on the first day, the meeting may be adjourned from day to day, until a sufficient number attend. In counting the votes, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares after ten. The said company at their annual meeting, or at any other meeting called by the president and directors, may call upon them for an account of their proceedings and contracts, for the execution of the plan for deepening the said river, and of the money received and disbursed by them, and may allow them a sum for their services: may displace the said president and directors or any of them, and appoint others in their stead: may lower the tolls herein after allowed them, and may exempt any vesels from the payment thereof: And shall, after leaving in the hands of the president and directors a sufficient sum for the expenses attending the repairs of the said works, and other contingent charges, make an equal dividend of the nett profits arising from the tolls and other profits thereof amongst themselves according to their respective proportions. In consideration of the expenses that will be incurred by the said company in deepening the bed of the said river and keeping the same open, the members of the said company, their heirs and assigns, shall be entitled to the tolls herein after mentioned, for ever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from the payment of any tax or imposition whatsoever.

6. And it shall and may be lawful for the said president and directors, to demand and receive at the place called the Bakehouse, on the said river, or at such other places above that as the said president and directors shall appoint, tolls from vessels drawing upwards of five feet of water, for their passage by or through the said places, according to the following table and rates, to wit: On vessels of five and half feet, three shillings per foot; on vessels of six feet, three shillings and nine pence per foot; on vessels of six and half feet, four shillings and six pence per foot; on vessels of

seven feet, five shillings and three pence per foot; on vessels of seven and half feet, six shillings per foot; on vessels of eight feet, six shillings and nine pence per foot; on vessels of eight and half feet, seven shillings and six pence per foot; on vessels of nine feet, nine shillings per foot; on vessels of nine and half feet, eleven shillings and three pence per foot; on vessels of ten feet, fifteen shillings per foot; on vessels over ten feet, and not more than twelve feet, twenty shillings per foot; and on all vessels over twelve feet, one pound five shillings per foot. Which tolls are rated in money, and may be discharged in gold or silver coin at their current value.

7. The tolls herein before allowed to be demanded and received, shall be paid on condition only, that the said Appomattox company shall make the said river capable of being navigated in any season, from Broadway to Pocahontas bridge, by vessels drawing twelve feet water, and in case the company shall not begin the said work within two years after the company shall be formed, and complete the same within seven years after it is begun, then the said company shall not be entitled to any benefit or privilege under this act.

8. If payment of the said tolls shall be refused, when any vessel from which the same are demandable offers to pass by or through the said places herein before named, the collectors may lawfully refuse passage to such vessel; and if any such vessel shall pass without paying the said tolls, the master, skipper, or owner of such vessel, shall forfeit and pay to the said Appomattox company, the sum of two pounds for every foot of water which it may draw; to be recovered on motion and ten days notice, in any court of record within this commonwealth. The said river and the channel thereof when deepened as aforesaid, shall forever be considered and taken as a public highway for the passage of all vessels, and transportation of all commodities, upon payment of the tolls aforesaid; and no other tax or toll shall at any time hereafter be imposed for the use of the water of the said river; but the said river shall nevertheless be subject to such regulations, as may be prescribed by the laws of this state or the United States. The shares in the said company shall to all intents and purposes be held and transferred by the proprietors thereof, in the same manner and on the same conditions, as the shares of the proprietors in the James river and Potowmac companies.

9. Nothing herein contained shall be construed to prevent vessels drawing less than five and an half feet water, from using and navigating the said river Appomattox, in the same manner as if this act had never been made: *Provided always*, That nothing herein contained shall be construed to affect the private right of any individual owning a fishery on the said river.

CHAP. III.

An Act to amend the act entituled "An act for opening and extending the Navigation of Appomattox River.

[Passed December 16, 1790.—Acts of 1790, ch. 34, page 21.]

Preamble.

1. WHEREAS the dispersed situation of the trustees appointed to carry into effect the act entituled "An act for opening and extending the navigation of Appomattox river," hath greatly retarded and impeded the salutary purposes thereof: *BE it*

Trustees appointed.

enacted by the General Assembly, That John Morton, John Archer, and Edward Munford, gentlemen, or any two of them, be and they are hereby appointed trustees for the purpose of carrying into full effect the act aforesaid in every matter and thing to all intents and purposes as the trustees in the said act appointed could or might have done by virtue thereof.

Compensation for their services

2. *And be it enacted*, That the said John Morton, John Archer and Edward Munford, gentlemen, shall receive as a compensation for their expenses and services after the rate of six shillings per diem for the time they shall be employed in carrying into execution the act aforesaid, and once in every six months shall on oath lay before one or other of the courts of Amelia, Prince Edward or Cumberland, a full and fair statement of their receipts, disbursements and expenditures in and about the business of their appointment. So much of the before recited act as comes within the purview of this act shall be and is hereby repealed.

Before whom, they are to lay statements of their accounts.

CHAP. IV.

An Act to amend the act entituled "An act for improving the Navigation of Appomattox River from Broadway to Pocahontas Bridge."

[Passed November 30, 1792.—Acts of 1792, ch. 59, pa. 97.]

When the Appomattox company may demand tolls

BE *it enacted by the General Assembly*, That it shall and may be lawful for the Appomattox company to demand and receive tolls, when they shall make the river capable of being navigated in any season from Broadway to Pocahontas bridge by vessels drawing nine feet water; any thing in the seventh section of the act, entituled "An act for improving the navigation of Appomattox river from Broadway to Pocahontas bridge," to the contrary, notwithstanding.

CHAP. V.

An Act to explain and amend an act for opening and extending the Navigation of Appomattox River.

[Passed Dec. 26, 1792.—Acts of 1792, ch. 60, pa. 97.]

Preamble.

1. WHEREAS the act of assembly passed in December, seventeen hundred and eighty seven, for opening and extending the navigation of Appomattox river, hath among other matters therein contained, enacted, That it shall and may be lawful for the trustees therein appointed, or a majority of them, to agree with the owners of any land, through which the said canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the state, the like proceedings shall be had to estimate the value thereof by a jury, as are directed and prescribed by the act, entituled, An act for opening and extending the navigation of Potowmac river, and such valuation shall be paid by the said trustees to the owner of the said land, or his legal representative, and on payment thereof, the said land shall thenceforth be vested in the said trustees, and their successors, in fee, for the purposes of this act. And whereas doubts have arisen whether the trustees appointed to carry the said act into execution, have a

right to lease or sell any part of the land which may be bought or condemned in manner aforesaid, and any portion of the water passing through the canals, which may be cut through the same for the purpose of erecting water mills or other useful works: For a plain declaration of the law therein,

2. *Be it enacted by the General Assembly*, That the trustees legally appointed for opening and extending the navigation of Appomattox river, and their successors, shall have full power and authority to lease or sell any part of the lands which may be purchased or condemned in manner directed by the said recited act, and the use of so much of the water passing through the same as may be necessary for such mills or other useful works, as may be proposed to be erected thereon, and which in their opinion may be disposed of without prejudice to the navigation of the said river, and to make such deeds or conveyances for the same, as may be necessary for conveying to the person or persons so leasing or purchasing, and to their heirs or assigns, all the right and interest which the said trustees may lease or sell, agreeably to the authority in them vested, and the proceeds of the said sales or leases shall be applied by the said trustees in the same manner as the tolls are directed to be applied by an act, entituled, "An act for opening and extending the navigation of Appomattox river." Trustees may dispose of the land vested in them, and the use of the water passing through the same,

3. *Provided always*, That before the said trustees shall have power to lease or sell any of the said lands, they shall call a meeting of the subscribers for opening and extending the said navigation, giving at least four weeks notice of the time and place of such meeting, in some one of the Richmond news-papers. And the said trustees in making leases or sales of any lands, or in disposing of the use of any water passing through the canals of the said river Appomattox, shall conform to such rules and regulations therein, as a majority of the subscribers then assembled, shall direct. under the direction of the subscribers.

4. And whereas the said trustees are required by the aforesaid recited act, to begin the work as near to Banister's mill, as circumstances will admit, and doubts have arisen whether they have a right to open the navigation below the said mill: *Be it therefore enacted*, That it shall and may be lawful for the said trustees, and their successors, to open the navigation as near to the said mill, either above or below the same, at such places, and in such manner, as in their opinions will be most for the benefit of the said navigation. Navigation may be opened below Banister's mill.

5. *And be it further enacted*, That Francis Eppes, John Royall, Neil Buchanan, Roger Atkinson, jun. and Edmund Harrison, gentlemen, be appointed trustees, in addition to the number formerly appointed, for the purpose of carrying into full effect the act aforesaid, any four of whom shall be sufficient. Other trustees added to the former.

6. *Provided always*, That nothing in this act contained, shall be construed to allow the said trustees to make sale of any mill seat, except between Atkinson's and Banister's mills. No mill seats to be sold, except between Atkinson's and Banister's mills.

CHAP. VI.

An Act to amend and reduce into one Act, the several Acts for opening and extending the Navigation of Appomattox River.

[Passed Dec. 21st, 1795.—Acts of 1795, ch. 35, pa. 31.]

Preamble.

WHEREAS it is judged expedient to amend the several acts passed, "For opening and extending the navigation of Appomattox river:"

Trustees appointed for the purpose of carrying this act into effect.

1. *BE it therefore enacted*, That Everard Meade, Joseph Eggleston, William Murray, Francis Anderson, John Wiley, Peter Johnson, Charles Allen, Ryland Randolph, Edmund Harrison, Alexander M'Rae, Drury Jones, John Johns, James Morton, Charles Scott, Richard N. Venable, John Epperson, Nelson Patterson, John Archer, John Royal, John Finney, Edward Monford, Peter F. Archer, Francis Eppes, Henry Skipwith, Buller Claiborne, Joshua Chaffin, John Nash, jun. Samuel Carter, James Wade, John L. Crute, Roger Atkinson, jun. James Watt, George Markham, John Purnall, and Samuel Allen, be, and they are hereby constituted and appointed trustees for clearing, improving and extending the navigation of the said river from Banister's mills as far up the same as they may judge it practicable, so as to have a sufficient depth and width of water to navigate boats, batteaus or canoes capable of carrying eight hogsheads of tobacco.

Incorporated by the name and stile of the Upper Appomattox Company.

2. The said trustees and their successors shall be, and they are hereby declared to be incorporated by the name and title of the Trustees of the Upper Appomattox Company, and may sue and be sued as such. The said trustees or a majority of them may from time to time appoint any five of their own body to superintend the clearing of the said river, a majority of which five shall have full power to do all things necessary for the purpose of carrying this act into effect; and the said five trustees so appointed as aforesaid, shall at the expiration of the term during which they may be so authorised to act, well and truly report to the said board of trustees all things which may by them, or a majority of them be ordered or done by virtue of this act and of their said appointment. That the said trustees shall remain in office for the term of two years only from the time the subscription hereafter mentioned shall be completed: And that an election of trustees shall be held once in every two years by the subscribers holding a majority of shares, each subscriber giving one vote for every share he possesses, and voting either in person or by proxy: *Provided always*, That until an election shall be made from time to time by those holding the said shares, or a majority thereof, the former trustees shall continue to act, although the two years for which they were elected may have expired: And in case of the death, removal to the distance of twenty miles from the said river, resignation, or incapacity of any of the said trustees, it shall be lawful for the remaining trustees, or a majority of the whole number of them, to appoint other trustees to fill such vacancies, which trustees so appointed shall continue to act until the next general election.

Proviso.

Authorised to to receive subscriptions for shares.

3. *And be it enacted*, That it shall and may be lawful for the said trustees to receive subscriptions for so many shares, at the rate of one hundred dollars for each share, as they shall deem adequate to the purposes of this act.

4. If any person or persons, his, her or their executors or administrators, holding any share or shares, so as aforesaid subscribed, shall fail to pay the amount or so much thereof as shall be required by the said trustees or their successors, from time to time, at such time as they shall direct, it shall and may be lawful for such trustees and their successors to recover the same with costs, together with the actual cost of giving notice; and also interest on the sum required, from the date the same became due and payable, by motion in the court of the district or county, where the person resided at the time of his subscribing, provided he, she or they have ten days previous notice of such motion. And on executions issued on judgments so obtained, the sheriff shall take no security for the payment of the money at a further day, and for the better direction of the sheriff, the clerk shall endorse on the said executions that no security shall be taken: Or instead of such proceedings against delinquent subscribers, their executors and administrators, the said trustees or their successors, at their option may proceed to sell by way of public auction such delinquent share or shares, provided that one month's notice of the time and place of such sale be given in the Petersburg gazette, and after retaining the sum due and charges of sale out of the money arising therefrom, they shall refund and pay the overplus, if any, to the former owner: *Provided always*, That no share or shares shall be sold if the holder or holders thereof, their executors or administrators shall on or before the time appointed for such sale, tender to the person authorised to receive the same the amount of such share or shares or the requisition made thereon.

Subscribers failing to pay the requisitions made from time to time, liable to recovery by motion.

Other mode of recovery against delinquent subscribers.

Proviso.

5. The said trustees or their successors shall have power to nominate and appoint from time to time a proper person to be receiver of all money subscribed under this act, who shall give bond with sufficient security in the penalty of fifty thousand dollars, payable to the said trustees and their successors, for the time being, with condition that he, his heirs, executors, and administrators, at all times when required, will truly and faithfully account for all sums of money that shall or may come to his hands for the purposes of this act, and pay the same to such person or persons as the said trustees or their successors shall order and direct; and if any such receiver, his executors or administrators shall fail to pay any money by him received by virtue of this act, it shall and may be lawful for the said trustees and their successors, to recover the same by motion in the court of the district or county where he resided at the time of his being appointed receiver: *Provided*, The said receiver, his executors, or administrators have ten days previous notice of such motion. The said trustees shall also have power to appoint a clerk, who shall keep a fair record of their proceedings from time to time, which said proceedings at the end of every meeting shall be signed by the members present, and attested by the clerk, and be admitted as evidence in any controversy between the trustees and those interested in the shares, or between the latter themselves.

Trustees authorised to appoint a treasurer, who shall give bond, &c.

Proviso.

6. And whereas it may be found necessary in some parts of the said river, to straighten the same by cutting away the banks, or by a canal. *Be it therefore enacted*, that it shall and may be lawful for the said trustees or their successors, to agree with the owners of any land through which the said canal is intended to pass, for

Authorised to agree with persons through whose land a canal may be cut for the price.

thereof: mode of proceeding in case of disagreement, &c.

the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the state, the like proceedings shall be had to estimate the value thereof by a jury, as are directed and prescribed by the act, entituled, "An act for opening and extending the navigation of Potowmac river," and such valuation shall be paid by the said trustees to the owner of the said land, or his legal representative, and on payment thereof, the said land shall thenceforth be vested in the said trustees and their successors in fee, for the purposes of this act.

May contract for the cutting such canals.

7. And the said trustees, and their successors, shall have power and authority, to agree with any person or persons, to cut such canals, and erect such locks, and to perform such other works as they may think necessary, for opening, improving and extending the navigation of the said river, and out of the money raised by virtue of this act, and the tolls hereafter given, to pay for the same, and repair and keep in order the said canals, locks, and other works, necessary thereto, and to defray all incidental charges, and to appoint such toll-gatherers, managers, and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle and pass their accounts, and to make and establish such rules of proceeding, and to transact all the other business and concerns, for the purpose of carrying this act into execution.

Authorised to demand toll agreeably to the rate herein, after navigation is completed conformably to this act.

8. *And be it further enacted*, That for and in consideration of the expense the subscribers will be at, not only in cutting canals, erecting locks, and other labour for opening and extending the navigation of the said river, but in maintaining and keeping the same in repair, it shall and may be lawful for the said trustees and their successors, at all times after the said river shall be made navigable, agreeable to this act, to demand and receive at such place or places upon the said river as they may think most convenient, for all commodities transported up or down the same, tolls, according to the following table of rates, viz:

	CENTS.
Every pipe or hogshead of wine, containing more than sixty-five gallons,	63
Every hogshead of rum, or other spirits,	50
Every hogshead of tobacco,	42
Every cask between 65 and 35 gallons, half of a pipe or hogshead, barrels, one fourth part, and smaller casks or kegs in proportion according to the quality and quantity of their contents of wine or spirits.	
For casks of Linseed oil, the same as spirits,	
Every bushel of wheat, peas, beans, or flax-seed,	2
Every bushel of Indian corn, or other grain, or salt,	1
Every barrel of pork,	21
Every barrel of beef,	15
Every barrel of flour,	10
Every ton of hemp, flax, pot-ash, bar or manufactured iron,	105
Every ton of pig-iron or castings,	35
Every ton of copper, lead, or other ore, other than iron ore,	83
Every ton of stone or iron ore,	17
Every hundred bushels of lime,	53

	Cents.
Every chaldron of coals,	17
Every hundred pipe staves,	8
Every hundred hogshead staves, or pipe or hogshead heading,	5
Every hundred barrel staves, or barrel heading,	4
Every hundred cubic feet of plank or scantling,	35
Every hundred cubic feet of other timber,	20
Every gross hundred weight of all other commodities or packages,	5
Every boat or vessel which has not commodities on board, to yield so much, provided that an empty boat or vessel returning, whose load has already paid at the respective places, the sums fixed at each, shall repass toll free,	105

Which tolls may be discharged in gold or silver coin only.

9. And in case any person shall refuse or neglect to pay the tolls at the time of offering to pass the place appointed for the payment thereof, and previous to the vessels passing the same, the collectors of the said tolls may lawfully refuse passage to such vessel; and if any vessel shall pass without paying toll, then the said collector may seize such vessel wherever found, and sell the same at auction for ready money, which so far as is necessary, shall be applied towards paying the said tolls, and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner, and the person owning or having the direction of such vessel, shall be liable for such toll, if the same is not paid by the sale of such vessel.

Penalty on persons refusing or neglecting to pay toll.

10. The profits arising from the said tolls shall be and the same are hereby vested in the said trustees and their successors forever, to and for the purpose of clearing out and keeping in repair the canals, locks, and other works upon the said river, and the overplus to and for the use of the holders of said shares, and their heirs, as tenants in common, to be apportioned among them according to the number of shares by them respectively held, and the same shall be deemed real estate, and be forever exempt from payment of any tax or imposition whatsoever.

Profits accruing in virtue of this act, vested in the trustees for the benefit of subscribers.

11. *And be it enacted*, That it shall and may be lawful for every subscriber to transfer his interest in the said canals or works, in the same manner, and under the like conditions and exceptions as are prescribed by the act, entituled, "An act for opening and extending the navigation of Potowmac river."

Shares transferable and how.

12. The owners of mills on the said river Appomattox, above Banister's mill, and every of them, shall, within eighteen months after passing this act, erect good and sufficient locks through their dams, or on canals convenient and proper around them, so as to procure an easy, safe, and expeditious passage for loaded canoes, boats, and batteaus, both up and down the said river, through or around each and every of the said dams; and morever, the said owners of mills on the said river, shall keep the said locks in good and sufficient repair, and cause to be given constant attendance at the same, by some person or persons, whose duty it shall be to work and manage the said locks, at all times, when thereto required by any person for the purpose of passing through the same with craft, as aforesaid, without delay, giving them free passage, and on failure so to do, the offender shall forfeit and pay the sum

Owners of mills to erect locks within a certain time, and keep the same in repair, &c.

of twenty dollars, for every time such failure shall happen, and be moreover liable to the party aggrieved for damages; which said penalty may be recovered in the court of the county where the offender resides, by motion, on ten days previous notice, by any person who will inform and sue for the same.

Dams wherein such locks, &c. are not erected declared nuisances and liable to be thrown down at the expense of the owner.

13. *And be it enacted*, That if any owner or owners of mills on the said river, shall refuse or fail to build such good and sufficient locks, for passing through or around his or their mill dam, or mill dams, as aforesaid, for the purposes of this act, within eighteen months, as aforesaid, then, and in that case, the mill dam or mill dams, not having such locks, are hereby declared to be nuisances, and shall and may be abated and thrown down and destroyed. And the trustees aforesaid, or their successors, are hereby empowered and directed, to cause the said dams to be cleared away, and to present an account of the reasonable expense thereof, to the owners of the same, which expenses he or they shall pay, or on failure, the amount thereof, may be recovered against him or them, by the said trustees, on motion to the court of the county, giving him or them ten days previous notice thereof.

Penalty on persons permitting a tree to be felled in the river.

14. *And be it further enacted*, That if any land holder on the said river, shall suffer any tree to be felled from his land, into the same, and therein to remain, for the space of twenty-four hours, at any time after the navigation of the same hath become practicable, every such land holder shall forfeit and pay the sum of seven dollars, to any person who will inform or sue for the same, in any court of record: *Provided nevertheless*, That the said trustees and their successors, shall be authorised to demand, receive, and compel payment of half-toll, whenever they shall have rendered the said river navigable, according to this act, from Roger Atkinson's mill, to the highest part capable of navigation. So much of all and every act and acts, as comes within the meaning of this act, is hereby repealed.

Proviso.

Commencement of this act.

15. This act shall commence and be in force from and after the passing thereof.

CHAP. VII.

An Act to amend the act, entituled, "An act to amend and reduce into one act, the several acts, for opening and extending the navigation of Appomattox river.

[Passed November 22d, 1796.—Acts of 1796, ch. 26, pa. 21.]

Preamble.

WHEREAS it is judged expedient, to amend the act passed at the last session of the general assembly, entituled, "An act to amend and reduce into one act, the several acts for opening and extending the navigation of Appomattox river."

Power of the trustees.

1. *Be it therefore enacted*, That the trustees therein appointed, and their successors be, and they are hereby empowered, to clear, improve, and extend the navigation of the said river, from Banister's mills to tide water, or as near thereto as they may deem advisable and necessary, and also as far up the said river as they may judge it practicable and conducive to the public interest: For these reasons, and to enable the said trustees and their successors, thus to extend the navigation of the said river, they are hereby vested with the same powers, and shall be under the same regula-

tions and restrictions, as are given and expressed in the above recited act.

One hundred shares taken by the commonwealth.

2. *And be it further enacted*, That the treasurer of this commonwealth, shall be authorised, and directed to subscribe in behalf of the same, to the amount of one hundred shares in the said company, and the money necessary in consequence of such subscription, shall be paid in the same manner as the subscriptions of individuals. And the treasurer for the time being, shall have a right to vote according to such shares, in person, or by proxy appointed by him, and shall receive and account for the proportion of the tolls accruing under the act aforesaid, which shall from time to time become due to this state, for the shares aforesaid.

Commencement of this act.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. VIII.

An Act to reduce the number of Trustees in the Upper Appomattox Company.

[Passed December 23d, 1797.—Acts of 1797, ch. 39, pa. 26.]

Number of trustees of the company reduced to thirteen.

1 BE *be it enacted by the General Assembly*, That the number of trustees appointed by the act passed the twenty-first day of December, one thousand seven hundred and ninety-five, entituled, "An act to amend and reduce into one act, the several acts for opening and extending the navigation of Appomattox river," shall at the next election, be reduced; and the holders of shares shall then, and at all future elections, choose only thirteen trustees, a majority of whom shall compose a board to proceed to business; and the said trustees shall be vested with the same powers and continue in office for the like period as prescribed by the said act.

Superintendants &c. authorised to act in certain cases.

2. Until the number of trustees shall be so reduced, a majority of the superintendants, together with such of the trustees as do attend, shall have power, at any time and place appointed for a meeting of the trustees, to make any order which a majority of the trustees could make, and to do all things necessary for carrying the said recited act into effect.

Repealing clause

3. So much of the said act as comes within the meaning of this act, is hereby repealed.

Commencement

4. This act shall commence and be in force from and after the passing thereof.

CHAP. IX.

An Act to revive and amend the Act, entituled, "An act for Improving the Navigation of Appomattox River, from Broadway to Pocahontas Bridge."

[Passed January 23d, 1800.—Acts of 1799, ch. 29, pa. 16.]

Preamble.

WHEREAS it hath been represented to the present General Assembly, that the navigation of Appomattox river, might greatly improved by deepening the channel from Pocahontas Bridge to Broadway, so as to admit large vessels to go up to the town of Petersburg:

Managers appointed to receive subscriptions.

1. *Be it therefore enacted*, That books shall be opened in th town of Petersburg, on the first day of March next, under th management of Robert Bolling, Joseph Jones, Christophe M'Connico, James Campbell, John Osborne, James Cureton, an John Grammar, for receiving subscriptions for the purpose o deepening the channel of the said river.

Subscriptions to be paid in specie. Sum to be subscribed. Number of shares.

2. The subscriptions shall be made personally or by power of attorney, and shall be in current money and paid in gold or silver coin at the current value. The capital to be subscribed for the purpose aforesaid, shall be six thousand pounds, and shall be divided into one hundred and twenty shares, of the value of fifty pounds each. Any person may subscribe one or more whole shares, but no subscription shall be received for less than one share: *Provided nevertheless*, That no person shall be permitted in his own right to subscribe for more than six shares.

When a meeting shall be called. Subscribers to choose a president and directors, and to be incorporated.

3. So soon as one half of the said capital shall be subscribed, the managers herein before named shall, by advertisement in the Petersburg Gazette, call a general meeting of the subscribers at the said town of Petersburg. The subscribers who are present at the said meeting, shall choose a president and four directors, and thereafter the subscribers, their heirs and assigns, shall be incorporated into a company by the name of the Appomattox Company, and by that name may sue and be sued.

The president and directors to continue in office one year. Their powers and duties.

4. The president and directors shall continue in office one year, and from thence until the next meeting of the company, and they, or a majority of them, shall have power to receive subscriptions until the before mentioned capital is completed, to contract with any persons, on behalf of the company, to perform such works as they judge necessary for deepening the channel of the said river, from Pocahontas bridge to Broadway, and for keeping the same open; to appoint such officers as they deem necessary to be employed in the service of the company; to call a meeting of the company when necessary; to receive from the subscribers the sums respectively subscribed by them, at such times and in such proportions as they shall judge proper, and to transact all the other business and concerns of the said company.

How subscriptions may be recovered.

5. If any member shall fail to pay to the person authorised by the president and directors to receive the same, the proportion of the subscription required of him within one month after such requisition is made in the Petersburg Gazette, the said president and directors may recover the same by motion in the general or district court, in the same manner as the president and directors of the James river and Patowmac Companies can recover the arrears due from any member of the said companies.

Annual meeting of the company. How they shall vote.

6. There shall be a meeting of the said Appomattox Company on the first Monday in every year, at which members or their proxies having seventy shares at the least, shall be present, and at any intermediate meeting members or proxies having forty shares shall be sufficient. If a sufficient number of members be not present on the first day, the meeting may be adjourned from day to day, until a sufficient number attend. In counting the votes each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares after ten. The said company at their annual meeting, or at any other meeting called by the

Business to be transacted at the meetings.

president and directors, may call upon them for an account of their proceedings and contracts, for the execution of the plan, for deepening the said river, and of the money received and disbursed by them, and may allow them a sum for their services, may displace the said president and directors, or any of them, and appoint others in their stead, may lower the tolls herein after allowed them, and may exempt any vessels from the payment thereof, and shall, after leaving in the hands of the president and directors a sufficient sum for the expenses attending the repairs of the said works and other contingent charges, make an equal dividend of the nett profits arising from the tolls and other profits thereof, amongst themselves, according to their respective proportions. In consideration of the expenses that will be incurred by the said company in deepening the bed of the said river and keeping the same open, the members of the said company, their heirs and assigns, shall be entitled to the tolls herein after mentioned for ever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be for ever exempt from the payment of any tax or imposition whatsoever.

Powers of the company at their meetings.

Members to be considered as tenants in common of the tolls.

7. It shall be lawful for the president and directors, to demand and receive at the place called the Bake House, on the said river, or at such other places above that as the said president and directors shall appoint, tolls from vessels drawing five feet water, for their passage by or through the said places, according to the following table and rates, to wit: On vessels of five and not exceeding five and a half feet, three shillings per foot; on vessels of five and a half, and not exceeding six feet, three shillings and nine-pence per foot; on vessels of six and not exceeding six and a half feet, four shillings and six-pence per foot; on vessels of six and a half and not exceeding seven feet, five shillings and three-pence per foot: *Provided however*, That the tolls hereby made payable, shall only be demanded for the water above five feet, which tolls are rated in money, and may be discharged in gold or silver coin at their current value. The tolls herein before allowed to be demanded and received, shall be paid on condition only, that the said Appomattox Company shall make the said river capable of being navigated in any season from Broadway to Pocahontas bridge, by vessels drawing seven feet water; and in case the company shall not begin the said work within two years after the company shall be formed, and complete the same within seven years after it is begun, then the said company shall not be entitled to any benefit or privilege under this act.

Rates of tolls.

Proviso.

8. If payment of the said tolls shall be refused when any vessel, from which the same are demandable, offers to pass by or through the said places herein before named, the collectors may lawfully refuse passage to such vessel, and if any such vessel shall pass without paying the said tolls, the master, skipper, or owner of such vessel, shall forfeit and pay to the said Appomattox Company, the sum of fifty cents for every inch of water which it may draw above five feet, to be recovered on motion and ten days notice, in any court of record in this Commonwealth.

Penalty on vessels passing without paying tolls.

9. The said river and the channel thereof, when deepened as aforesaid, shall for ever be considered and taken as a public high-

The river to be considered as a public highway.

way for the passage of all vessels, and transportation of all commodities, upon payment of the tolls aforesaid: and no other tax or toll shall at any time hereafter be imposed for the use of the water of the said river; but the said river shall nevertheless be subject to such regulations as may be prescribed by the laws of this state, or the United States. The shares in the said company shall, to all intents and purposes, be held and transferred by the proprietors thereof, in the same manner and on the same conditions, as the shares of the proprietors in the James river and Potowmac Companies.

Shares transferable and held as James river shares.

What vessels shall be free of toll.

10. Nothing herein contained shall be construed to prevent vessels drawing less than five feet water, from using and navigating the said river Appomattox, in the same manner as if this act had never been made: *Provided always*, That nothing herein contained, shall be construed to affect the private right of any individual owning a fishery on the said river.

11. This act shall commence and be in force, from and after the passing thereof.

CHAP. X.

An Act to amend the Act, entituled, "An Act to revive and amend the Act," entituled, "An Act for improving the Navigation of Appomattox River, from Broadway to Pocahontas Bridge."

[Passed January 22d, 1801.—Acts of 1800, ch. 72, pa. 39.]

Rates of toll.

1 BE *it enacted by the General Assembly*, That it shall be lawful for the president and directors of the Appomattox company to demand and receive, at the place called the Bake house, on the river Appomattox, or at such other places above that, as the said president and directors shall appoint, tolls from vessels drawing five feet water, for their passage, by or through the said places, according to the following table and rates, to wit: On vessels drawing five feet one shilling and six-pence per foot, on vessels above five and not exceeding five and a half feet, three shillings per foot; on vessels of five and a half, and not exceeding six feet, three shillings and nine-pence per foot; on vessels of six, and not exceeding six and a half feet, four shillings and six-pence per foot; on vessels of six and a half, and not exceeding seven feet, five shillings and three pence per foot; which tolls are rated in money, and may be discharged in gold or silver coin, at their current value. The tolls herein before allowed, to be demanded and received, shall be paid on condition only, that the said Appomattox company shall make the said river capable of being navigated, in any season, from Broadway to Pocahontas bridge, by vessels drawing seven feet water: And in case the company shall not begin the said work within two years from the passing of this act, and complete the same within seven years after it is begun, then the said company shall not be entitled to any benefit or privilege under this act: *Provided nevertheless*, that nothing within this act contained shall prevent the future controul of the legislature over the rates established.

Repealing clause.

2. *And be it further enacted*, That the seventh section of the act passed at the last session, entituled, "An act to revive and amend

the act, entituled, "An act for improving the navigation of Appomattox river, from Broadway to Pocahontas bridge, shall be, and is hereby repealed.

3. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. XI.

An Act for enlarging the Stock of the Upper Appomattox Company, and for other purposes.

[Passed January 1st, 1802.—Acts of 1801, ch. 43, pa. 26.]

1 WHEREAS it is represented to this present General Assembly, that the number of shares already subscribed in the Upper Appomattox company, will not be sufficient to complete the navigation of the said river. Preamble.

2. *Be it enacted*, That whensoever the trustees of the said company shall have received subscriptions, for one hundred new shares, in addition to the number already subscribed, it shall be the duty of the said trustees to make known the same to the treasurer of this commonwealth, who shall on receiving such notification, subscribe for and on behalf of this commonwealth, twenty-five shares in addition to the interest already held by the commonwealth in the said company; and when the additional subscriptions shall be completed, the rights, privileges and obligations of the new subscribers, shall be the same, and subject to the same summary mode of process in case of delinquency, as the original subscribers now are: *Provided nevertheless*, That no requisition shall be made on the additional shares, until all the money shall have been required, which was heretofore subscribed. Public treasurer to subscribe for additional number of shares.

3. *And be it further enacted*, That it shall and may be lawful for every of the said proprietors to transfer his or her share or shares, by deed in writing, proved by two witnesses, or acknowledged before any court of law, or the mayor or other chief magistrate of any city, town or corporation of the county in which the party shall dwell, and not otherwise (except by devise) and such deed shall not be good against subsequent purchasers for valuable consideration, not having notice thereof, unless the proof or acknowledgment of such deed, shall be certified by the court, mayor, or chief magistrate, before whom the same shall be proved or acknowledged, in the manner such acts are usually authenticated by them and lodged with the clerk of the company, to be registered, in the said company's books, within eight months after the execution of the said deed, when the party resides within this commonwealth, and within eighteen months after the execution of the said deed when the party shall reside out of the state. And before any devisee or devisees shall be entitled to draw any part of the profits arising from the tolls, or other profits arising from the property of the said company, an authenticated copy of the will under which he or she claims, shall be lodged with the clerk of the company, and registered in the said company's books: *Provided*, That no transfer whatsoever shall be made, except for one or more whole share or shares, and not for a part of such shares, and that no share shall at any time be sold, conveyed, transferred or held in trust for the use and benefit, or in the name of another, whereby the said How shares to be transferred. No transfer to be made for a part of a share. Regulation as conveyances i trust.

trustees, superintendants or share-holders of the said company, or any of them, shall or may be challenged or made to answer, concerning any such trust; but that every such person, appearing as aforesaid to be a proprietor, shall as to the others of the said company, be to every intent taken absolutely as such; but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

Repealing clause.

4. *And be it further enacted*, That so much of the eleventh section of the act passed in December, one thousand seven hundred and ninety-five, entituled, "An act to amend and reduce into one act, the several acts for opening and extending the navigation of Appomattox river," as comes within the purview of this act, shall be and the same is hereby repealed.

Commencing clause.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. XII.

An Act to amend and reduce into one the several Acts of Assembly, for Improving the Navigation of Appomattox river, from Broadway to Pocahontas Bridge.

[Passed January 9th, 1802.—Acts of 1801, ch. 57, pa. 30.]

Books to be opened for receiving subscriptions.

1 BE *it enacted by the General Assembly*, That books shall be opened in the town of Petersburg, on the first day of February next, under the management of Robert Bolling, Joseph Jones, James Campbell, John Osborne, James Cureton, Edward Pegram, and John Grammar, for receiving subscriptions for the purpose of deepening the channel of the said river. The subscriptions shall be made personally or by power of attorney, and shall be in current money. The capital to be subscribed, shall be forty thousand dollars, and shall be divided into two hundred shares of the value of two hundred dollars each. So soon as one half of the said capital shall be subscribed, the managers before named, shall by advertisement in the Petersburg Gazette, call a general meeting of the subscribers at the said town of Petersburg. The subscribers who are present at the said meeting, shall choose a president and four directors, and thereafter the subscribers, their heirs and assigns, shall be incorporated into a company by the name of the Lower Appomattox Company, and by that name may sue and be sued.

Company incorporated.

Powers of president and directors.

2. The president and directors shall continue in office for one year, and from thence until the next meeting of the company, and they or a majority of them, shall have power to receive subscriptions until the capital is completed; to contract with any persons on behalf of the company, for deepening the channel of the said river, from Pocahontas bridge to Broadway, and for keeping the same open; to appoint such officers as they may deem necessary for the service of the company; to call a meeting when necessary, to receive the sums subscribed, and to transact all the other business and concerns of the company.

Remedy against delinquent subscribers.

3. If any subscriber shall fail to pay the proportion of the subscription required of him, within one month after such requisition is made, the said president and directors may recover the same by motion in the district court of Petersburg, with costs and interest, provided ten days notice be given such subscriber.

4. There shall be a meeting of the said company, on the first Monday in May in every year, at which members or their proxies, having at the least one hundred and five shares, shall be present, but at any intermediate meeting members or proxies, having sixty shares, shall be sufficient. If on the first day a sufficient number of members shall not attend, the meeting may be adjourned from day to day, until a sufficient number attend, In counting the votes, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares after ten. The said company at their annual meeting, may call upon the president and directors for an account of their proceedings and contracts, and of the money received and disbursed by them, and may allow them a sum for their services; may displace the said president and directors, or any of them; may lower the tolls hereafter allowed them, and exempt any vessel from the payment thereof; and shall after leaving a sufficient sum for the expenses attending repairs and other contingent charges, make an equal dividend of the nett profits arising from tolls amongst themselves, according to their respective proportions. Meetings of the company and business thereat.

5. In consideration of the expenses incurred by the said company, in deepening the bed of the said river, and keeping the same open, the members of the said company, their heirs and assigns, shall be entitled to the tolls herein after mentioned, for ever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from the payment of any tax or imposition whatsoever. It shall be lawful for the said company to demand and receive, at the place called the Bake house, on the river Appomattox, or at such other places as the said president and directors shall appoint, tolls from vessels drawing five feet water and upwards, for their passage by or through the said places, according to the following table and rates, to wit: On vessels drawing five feet, one and six pence for every foot such vessel draws; on vessels above five and not exceeding five and a half feet, three shillings per foot; on vessels of five and a half and not exceeding six feet, three shillings and nine pence per foot; on vessels of six and not exceeding six feet and a half, four shillings and six pence per foot; on vessels of six and a half, and not exceeding seven feet, five shillings and three pence per foot; on vessels of seven and a half feet and not exceeding eight, six shillings per foot; on vessels of eight feet, six shillings and nine pence per foot; on vessels of eight feet and a half, seven shillings and six pence per foot; on vessels of nine feet, nine shillings per foot, and on all vessels of more than nine feet, ten shillings per foot. Which tolls are rated in money, and may be discharged in gold or silver coin at their current value. The tolls herein before allowed, shall be paid on condition only, that the said Appomattox river shall be made navigable in any season from Broadway to Pocahontas bridge, by vessels drawing seven feet water; and in case the said company shall not begin the work within two years and complete the same within seven years after the passing of this act, then the said company shall not be entitled to any benefit or privilege under this act. Tolls allowed. To be paid on certain conditions.

6. If payment of the said tolls shall be refused, when any vessel from which the same are demandable, offers to pass by or through

Regulation where payment of tolls is refused.

the said places herein before named, the collectors may lawfully refuse passage to such vessel; and if any such vessel shall pass without paying tolls, the master, skipper, or owner of such vessel, shall forfeit and pay to the said company, seven dollars for every foot of water which it may draw; to be recovered on motion, and ten days notice in any court of record within this commonwealth.

The river to be free for passage of vessels paying tolls.

7. The said river when deepened as aforesaid, shall be considered and taken for ever as a public highway for the passage of vessels, laden or unladen, upon payment of the tolls aforesaid; but the said river shall nevertheless be subject to such regulations as may be prescribed by the laws of this state or of the United States.

How shares to be held and transferred.

8. The shares in the said company shall be held and transferred by the proprietors thereof, in the same manner and on the same conditions, as the shares of the proprietors in the Upper Appomattox company.

Certain vessels free from tolls.

9. Nothing herein contained, shall be construed to prevent vessels drawing less than five feet water from using and navigating the said river free from toll, nor shall the private right of any individual owning a fishery on the said river, be affected.

Repealing clause.

10. All acts and parts of acts coming within the purview of this act, shall be and the same are hereby repealed.

Commencing clause.

11. This act shall commence and be in force from and after the passing thereof.

CHAP. XIII.

An Act to prevent the Building of Mill Dams across Appomattox River, and for other purposes.

[Passed January 20th, 1803.—Acts of 1802, ch. 26th, pa. 16.]

Preamble.

WHEREAS it is represented to this General Assembly, that the building of mill dams across Appomattox river, impedes the navigation, and is calculated to produce great inconvenience and delay to the boats navigating the said stream, even where locks are erected agreeable to law.

Preventing mill dams.

1. *Be it therefore enacted*, That no court shall hereafter grant leave to any person whatsoever, to build a mill or dam on that part of Appomattox river which lies between Planters Town and the mouth of the canal cut by the Upper Appomattox company.

Courts to have concurrent jurisdiction.

2. *And be it further enacted*, That the county courts of Amelia, Prince Edward, Cumberland and Powhatan, and the district court at Prince Edward, shall have concurrent jurisdiction over all offences against, or violations of, the several laws, enacted for the purpose of opening and extending the navigation of Appomattox river, where the offence shall be committed, or the panalty incurred on that part of the river which is between Planters Town and the mouth of Flat Creek in the county of Amelia; and where the offence shall be committed or the penalty incurred between the said mouth of Flat Creek and Petersburg, the county courts of Amelia, Chesterfield, Dinwiddie, and the district court at Petersburg shall have concurrent jurisdiction.

Enacting clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. I.

An Act for Cutting a Navigable Canal from the waters of Elizabeth River, in this State, to the waters of Pasquotank River in the State of North Carolina.

[Passed December 1st, 1787.—Acts of 1787, ch. 13, pa. 15.]

WHEREAS the cutting of a navigable canal from the waters of Elizabeth river, in this state, to the waters of Pasquotank river in the state of North Carolina, will be of great public utility, and many persons are willing to subscribe large sums of money to effect so beneficial a work, and it is just and proper that they, their heirs and assigns, should be empowered to receive reasonable tolls for ever, in satisfaction for the money advanced by them in carrying the work into execution, and the risk they run, therefore, *Be it enacted by the General Assembly of Virginia*, That it shall and may be lawful to open books in the towns of Norfolk, Portsmouth, Suffolk, Petersburg, Richmond, York, Fredericksburg, and Alexandria, under the management of George Kelly in Norfolk; of John Cowper in Portsmouth; of Wells Cowper in Suffolk; of Christopher M'Connico in Petersburg; of James Heron in Richmond; of Thomas Nelson in York; of William Lewis in Fredericksburg, and of William Hartshorne in Alexandria; and under the management of such persons and at such places in North Carolina as shall be appointed by that state for receiving and entering subscriptions to the amount of eighty thousand dollars for the said undertaking, which subscriptions shall be made personally or by power of attorney, and shall be in Spanish milled dollars, but may be paid in other silver or in gold coin of the same value. That the said books shall be opened for receiving subscriptions on the first day of May next, and continue open until the first day of September next inclusive; and on the nineteenth day of the said month of September, there shall be a general meeting of the subscribers at Halifax in the state of North Carolina, of which meeting, notice shall be given by the said managers, or any three of them, in the gazettes of both the aforesaid states, at least one month next before the said meeting, and such meeting shall and may be continued from day to day until the business is finished. And the acting managers shall, at the time and place aforesaid lay before such of the subscribers as shall meet according to the said notice the books by them respectively kept, containing the state of the said subscriptions; and if one half of the capital sum aforesaid, should on examination appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency; and a just and true list of all the subscribers with the sums subscribed by each shall be made out and returned by the said managers, or any four or more of them, under their hands into the General Court of this state, and into such court as the state of North Carolina shall direct, to be there recorded. And in case more than eighty thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said managers or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest and above one share, until the sum is reduced to the capital aforesaid of eighty thousand dollars, or until a share is taken from all subscriptions above one share;

and lots shall be drawn between subscribers of equal sums, to determine the number, in which such subscribers shall stand on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule until the sum subscribed is reduced to the capital aforesaid, or all the subscriptions are reduced to one share; and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded to reduce the subscriptions to the capital aforesaid, which striking off shall be certified in the list aforesaid, and the said capital sum shall be reckoned and divided into three hundred and twenty shares of two hundred and fifty dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise.

2. *Provided*, That unless one half of the said capital shall be subscribed, all subscriptions made in consequence of this act shall be void, and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered, in whole shares as aforesaid, until the deficiency shall be made up; a certificate of which additional subscriptions shall be made under the hands of the president and directors or a majority of them for the time being, and returned to, and recorded in the courts as aforesaid.

3. *And be it enacted*, That in case one half of the said capital, or a greater sum shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of the said first meeting, shall be and are hereby declared to be incorporated into a company by the name of the Dismal Swamp canal company, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them are hereby empower and required to elect a president and four directors for conducting the said undertaking and managing all the said companies business and concerns, for and during such time not exceeding three years, as the said subscribers or a majority of them shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share as far as ten shares, and one vote for every five shares above ten by him or her held at the time in the said company; and any proprietor by writing under his or her hand executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her at any general meeting.

4. *And be it enacted*, That the said president and directors so elected, and their successors, or a majority of them assembled, shall have power and authority to agree with any person or persons on behalf of the said company, to cut the said canal and to erect such locks and perform such other works as they shall judge necessary for the navigation of the said canal, and carrying on the same from place to place, and from time to time, and upon such terms, and in such manner as they shall think fit, and out of the money arising from the subscriptions and tolls and other aids hereafter in this act given to pay for the same and to repair and keep in order the said canal, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll gatherers, managers, and servants, as

they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass, and sign their accounts, and also to make and establish rules of proceeding and transact all the other business and concerns of the said company in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein, such sums of money as shall by a general meeting of the subscribers be determined.

5. *Provided always*, That the treasurer shall give bond in such penalty and with such security, as the said president and directors or a majority of them shall direct for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him for his services shall not exceed three pounds in the hundred for the disbursements by him made, and that no officer in the said company shall have a vote in the settlement or passing of his own account. *And be it enacted*, That the said president and directors, and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time, and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the North Carolina and Virginia Gazettes; and they are hereby authorised and empowered to demand and receive of the several proprietors from time to time, the sums of money so ordered to be advanced for carrying on and executing, or repairing and keeping in order the said works, until the sums subscribed shall be fully paid; and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and laid out, as the said president and directors, or a majority of them shall order and direct; and if any of the said proprietors shall refuse or neglect to pay their said proportions within one month after the same so ordered and advertised as aforesaid, the said president and directors or a majority of them, may sell at auction and convey to the purchaser, the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in the North Carolina and Virginia Gazettes; and after retaining the sum due and charges of sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owner; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid with the incidental charges, the said president and directors or a majority of them, may, in the name of the company, sue for and recover the balance by motion on ten days previous notice; and the said purchaser or purchasers shall be subject to the same rules and regulations, as if the said sale and conveyance had been made by the original proprietor.

6. And to continue the succession of the said president and directors and to keep up the same number, *Be it enacted*, That from time to time, on the expiration of the term for which the said president and directors were appointed, the proprietors of the said company at the next general meeting shall either continue the said president and directors or any of them, or shall choose others in their stead; and in case of the death, removal, resignation or incapacity of the president or any of the directors, may and shall in manner aforesaid elect any other person or persons to be president and directors in the room of him or them so dying, removing, resigning

or becoming incapable of acting, and may at any of their general meetings remove the president or any of the directors and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

7. *And be it enacted*, That every president and director, before he acts as such, shall take an oath or affirmation for the due execution of his office.

8. *And be it enacted*, That the presence of proprietors having one hundred and eighty shares at least, shall be necessary to constitute a general meeting, and that there be a general meeting of proprietors on the first Monday in September in every year, at such convenient town, as shall from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, till a general meeting of proprietors shall be had, which may be continued from day to day until the business of the company is finished, to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the proprietors then present or a majority of them shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly general meetings, after leaving in the hands of the treasurer such sum as the proprietors or a majority of them shall judge necessary for repairs and contingent charges. An equal dividend of all the nett profits arising from the tolls hereby granted shall be ordered and made to the proprietors of the said company in proportion to their several shares; and on any emergency in the interval between the said yearly meetings, the president or a majority of the directors may appoint a general meeting of the proprietors of the company at any convenient town, giving at least one months previous notice in the North Carolina and Virginia Gazettes, which meeting may be adjourned and continued as aforesaid.

9. *And be it further enacted*, That for and in consideration of the expenses the said proprietors will be at, not only in cutting the said canal, erecting locks, making causeways and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canal, locks, causeways, and other works, with all their profits, shall be and the same are hereby vested in the said proprietors, their heirs and assigns for ever, as tenants in common in proportion to their respective shares, and the same shall be deemed real estate, and be for ever exempt from the payment of any tax, imposition or assessment whatsoever, and it shall and may be lawful for the said president and directors at all times for ever hereafter, to demand and receive at some convenient place near one of the extremities of the canal, for all commodities transported through it or over the causeways, tolls, according to the following table and rates which shall be in Spanish milled dollars, to wit:

	Parts of a Dollar.
Every pipe or hogshead of wine containing more than sixty five gallons,	30 72nds.
Every hogshead of rum or other spirits,	24 72nds.
Every hogshead of tobacco,	24 72nds.
Every hogshead of molasses,	18 72nds.

Every butt or hogshead of malt liquor,	18	72nds.
Every cask between sixty-five and thirty-five gallons, one half of a pipe or hogshead; every barrel, one fourth part; and every smaller cask or keg in proportion according to the quantity and quality of their contents,	"	"
Every dozen of bottled wine,	5	288ths.
Every dozen of bottled malt liquor,	4	288ths.
Every bushel of wheat, pease, beans, rice, or flax seed,	3	288ths.
Every bushel of Indian corn, or other grain, or salt,	2	288ths.
Every barrel of pork,	6	72nds.
Every barrel of beef,	4	72nds.
Every barrel of fish or flour,	3	72nds.
Every barrel of tar, pitch, turpentine, or rosin,	2	72nds.
Every cask of linseed oil or spirits of turpentine, the same as molasses,	"	"
Every ton of hemp, flax, potash, or bar iron,	36	72nds.
Every ton of pig iron or castings,	12	72nds.
Every ton of copper, lead or other ore other than iron ore,	30	72nds.
Every ton of stone or iron ore other than the ballast of the vessel,	6	72nds.
Every chaldron of coals,	8	72nds.
Every hundred bushels of lime or of shells,	20	72nds.
Every thousand of bricks or tiles,	30	72nds.
Every hundred of pipe staves,	6	72nds.
Every hundred of hogshead staves or pipe or hogshead heading,	4	72nds.
Every hundred of barrel staves or barrel heading,	3	72nds.
Every thousand shingles from eighteen to twenty four inches,	3	72nds.
Every thousand of three feet shingles,	6	72nds.
Every thousand clapboards or pails,	9	72nds.
Every cord of fire wood,	12	72nds.
Every hundred cubic feet of plank or scantling,	40	72nds.
Every hundred cubic feet of all other timber,	30	72nds.
Every hundred pounds of brown or clayed sugar,	3	72nds.
All other produce, goods, wares, or merchandize, one fourth per centum.	"	"
Every boat or vessel exceeding one ton burthen which has not commodities on board to yield so much (except an empty boat or vessel returning, whose load has already paid the toll, in which case she is to repass free of toll.)	40	72nds.
Every canoe, boat, or vessel, under one ton burthen which has not commodities on board to yield so much except as in the preceding article excepted.	18	72nds.
Every man (except foot travellers, who shall pass toll free) horse, ox in draft, and wheel passing the causeways (except the loads they carry yield so much, or empty waggons or carts returning, whose loads have paid the toll.)	6	72nds.
Every head of black cattle,	3	72nds.
Every hog,	1	72nds.
Every sheep,	2	288ths.
Every hundred weight of indigo,	12	72nds.

10. All produce, goods, wares, or merchandize, passing the causeways shall be subject to the same toll, as goods passing through the canal; but which tolls though chargeable in Spanish milled dollars may be paid in other silver, or in gold coin of the same value. And in case of refusal to pay the tolls at the time of offering to pass the place aforesaid, and previous to passing the same, the collector of the said tolls may lawfully refuse passage to whatever refuses payment, and if any vessel, waggon, or cart, shall pass without paying the toll, then the said collector may seize such vessel, waggon, or cart, wherever found and sell the same at auction for ready money, which, so far as is necessary, shall be applied towards paying the said toll, and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner, and the person having the direction of such vessel, waggon, or cart, shall be liable for such toll, if the same is not paid by the sale as aforesaid. Provided, that the said proprietors or a majority of them holding at least one hundred and eighty shares, shall have full power and authority, at any general meeting, to lessen the said tolls or any of them, or to determine that any article may pass free of toll.

11. *And be it enacted*, That the said canal and works to be erected thereon in virtue of this act, and the causeways when completed, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities, or produce whatsoever, and for travelling, on payment of the tolls imposed by this act; and no other toll or tax whatever for the use of the water of the said canal and the works thereon erected, or the causeways, shall at any time hereafter be imposed by both or either of the said states, subject nevertheless to such regulations as the Legislatures of the said states may concur in, to prevent the importation of prohibited goods, or to prevent fraud in evading the payment of duties imposed in both or either of the said states on goods imported into either of them.

12. And whereas it is necessary for the making of the said canal, locks, causeways, and other works, that a provision should be made for condemning a quantity of land for the purpose,

13. *Be it enacted*, That it shall and may be lawful for the said president and directors, or a majority of them to agree with the owners of any land, through which the said canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the state, on application to any two justices of the county in which such land shall lie, the said justices shall issue their warrant under their hands to the sheriff of their county to summon a jury of eighteen inhabitants of his county of property and reputation, not related to the parties nor in any manner interested, to meet on the land to be valued at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter, and the sheriff, on receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every juryman that shall appear, " That he will fairly, justly, and " impartially value the land (not exceeding the width of three " hundred feet) and all damages the owner thereof shall sustain

" by cutting the canal through such land, according to the best " of his skill and judgment, and that in such valuation he will not " spare any person through favour or affection, nor any person " grieve through malice, hatred or ill will." And the inquisition thereon taken shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded, and on every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land or his legal representatives, and on payment thereof the said company shall be seized in fee of such land as if conveyed by the owner to them and their successors by legal conveyance.

14. *Provided nevertheless*, That if any farther damage shall arise to any proprietor of land in consequence of opening such canal or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor as often as any such new damage shall happen, by application to and a warrant from any two justices of the county where the lands lie, to have such farther damage valued by a jury in like manner and to receive and recover the same of the said president and directors. But nothing herein shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills, or other works, or improvements which shall be begun or erected by such proprietor after such first valuation, unless the said damage is wilfully or maliciously done by the said president and directors, or some person by their authority.

15. *And be it enacted*, That the said president and directors or a majority of them are hereby authorised to agree with the proprietor or proprietors for the purchase of a quantity of land not exceeding one acre, at or near the place of the receipt of tolls aforesaid for the purpose of erecting necessary buildings, and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned, and paid for as aforesaid, and the said company shall on payment of the valuation of the said land be seized thereof in fee simple as aforesaid.

16. And whereas it is represented that the waters of the lake in the Dismal Swamp commonly called Drummond's Pond may be useful for a supply of water to the said canal,

17. *Be it enacted*, That the said lake, so far as the waters thereof shall be necessary for the purpose aforesaid, shall be and is hereby vested in the proprietors of the said canal, and it shall and may be lawful for the said president and directors or a majority of them to open, if they shall find it expedient a cross canal from the lake to the principal canal for the purpose of drawing from thence a supply of water, and for executing this work and keeping it in repair, they shall have the same powers which they are authorised to exercise in opening the principal canal. And it shall not be lawful for any person whatsoever so to cut off or divert the courses of those waters, which now flow from the westward into the said lake as to prevent their continuing to fall into it.

18. And whereas some of the places through which it may be necessary to conduct the said canals may be convenient for erecting mills and other water works, and the persons possessors of such situations may design to improve the same, and it is not the intention of this act to interfere with private property but for the purpose of improving and perfecting the said navigation,

19. *Be it enacted*, That the water or any part thereof conveyed through the said canals shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water works aforesaid, in which case the said president and directors, or a majority of them are hereby empowered and directed to enter into reasonable agreements with the proprietors of such situations concerning the just proportion of the expenses of making the canals capable of carrying such quantities of water as may be sufficient for the purposes of navigation and also for any such water works as aforesaid.

20. And whereas the said canals may be of great utility in affording the means of draining the sunken lands through which they pass,

21. *Be it enacted*, That it shall and may be lawful for the proprietors of the said adjacent sunken lands to open cross ditches into the said canals, Provided, that these cross ditches shall not be within less than one mile of one another on the same side of the canals, and be covered where they pass through the causeways with good bridges of the breadth of the causeways at the expense of the persons cutting them and also be so constructed that the water may be entirely prevented passing through them into the canals at any time, when this shall be necessary. And the works occasioned by these cross ditches, except the bridges, shall be kept in repair at the expense of their proprietors.

22. *And be it enacted*, That it shall and may be lawful for every of the said proprietors to transfer his share or shares by deed executed before two witnesses, and registered after proof of the execution thereof in the said company's books and not otherwise, except by devise, which devise shall also be exhibited to the president and directors, and registered in the company's books before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls. Provided, that no transfer whatsoever shall be made except for one or more whole share or shares, and not for part of such shares, and that no share shall, at any time, be sold, conveyed, transferred, or held in trust for the use and benefit, or in the name of another, whereby the said president and directors, or proprietors of the said company or any of them shall or may be challenged or made to answer concerning any such trust, but that every such person appearing as aforesaid to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such, but between any trustee and the person for whose benefit any trust shall be created the common remedy may be pursued.

23. And whereas it hath been represented, that sundry persons are willing and desirous on account of the public advantage, and also the improvement their estates may receive thereby, to promote and contribute towards so useful an undertaking and to subscribe

sums of money to be paid on condition the said works are completed and carried into execution, but do not care to run any risque, or desire to have any property therein,

24. *Be it therefore enacted*, That the said president and directors shall be, and are hereby empowered to receive and take in subscriptions on the said conditions, and on the said works being completed and carried into execution according to the true intent and meaning of this act, that it shall and may be lawful for the said president and directors or a majority of them, in case of refusal or neglect of payment, in the name of the company as aforesaid, to sue for and recover of the said subscribers, their heirs, executors, or administrators, the sums by them respectively subscribed, by action of debt, or on the case in any court of record within this state.

25. *And be it enacted*, That if the said capital and the other aids already granted by this act shall prove insufficient, it shall and may be lawful for the said company from time to time to increase the said capital by the addition of so many more whole shares, as shall be judged necessary by the said proprietors or a majority of them holding at least one hundred and eighty shares present at any general meeting of the said company. And the said president and directors, or a majority of them are hereby empowered and required after giving at least one months notice thereof in the North Carolina and Virginia Gazettes, to open books at the before mentioned places for receiving and entering such additional subscriptions; in which the proprietors of the said company for the time being shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose. And the said president and directors are hereby required to observe in all other respects the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return under the hands of any three or more of them an exact list of such additional subscribers with the sums by them respectively subscribed into the courts as aforesaid, to be there recorded. And all proprietors of such additional sums shall and are hereby declared to be from thenceforward incorporated into the said company.

26. *And it is hereby declared and enacted*, That the tolls herein before allowed to be demanded and received, are granted and shall be paid on condition only, that the said Dismal Swamp canal company shall make the canal thirty two feet wide, and eight feet in depth below the surface of the earth, and capable of being navigated in dry seasons by vessels drawing three feet water, from Deep Creek near Tucker's mill in Virginia to the highest good navigation for vessels of the aforesaid draft, in Pasquotank river in North Carolina, with sufficient locks each of ninety feet in length and thirty two feet in breadth, and capable of conveying vessels drawing four feet water at the least, and that each of the causeways shall be twenty feet in breadth.

27. *And it is hereby enacted and provided*, That in case the said company shall not begin the said work within one year after the company shall be formed, or if the said company shall not complete the navigation and works as aforesaid within ten years after

the said company shall be formed, then shall all interest of the said company and all preference in their favour, as to the navigation and tolls of the said canals and causeways, be forfeited and cease.

28. And whereas at a meeting of commissioners appointed by the states of North Carolina and Virginia to agree on the form of an act for cutting the said canal, and for regulating the commerce which may be carried on through it between the citizens of the two states, to wit: Archibald Maclaine, William M'Kenzie, James Galloway, and John Stokes, Esquires, on the part of North Carolina, and Robert Andrews and John Cowper, Esquires, on the part of Virginia, at Fayette-Ville, in the state of North Carolina, on the twelfth day of December in the year of our Lord one thousand seven hundred and eighty-six, the following compact was mutually agreed to by the said commissioners: First. The state of Virginia agrees that the waters of Elizabeth river from the said canal to the mouth thereof, the waters of Hampton Road, and of Chesapeake Bay to the capes, and also Roanoke river wherever it is in Virginia, shall be forever considered as a common highway free for the use and navigation of all vessels belonging to the state of North Carolina or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising a revenue. Secondly. The state of Virginia agrees that no restriction, duty, or impost, shall be laid on any commodity, which is the growth, produce, or manufacture, of the state of North Carolina, brought through the said canal or over the said causeways for sale or exportation, and that the same may be exported without reinspection. Thirdly. The state of Virginia agrees that when any imported goods shall within five months after entry be exported through the said canal or over the said causeways into the state of North Carolina in packages, bales, or casks, as imported, the duties thereof shall be remitted or repaid as the case may be to the exporter, on his producing within six months after the aforesaid entry the certificate of the naval officer of the district of North Carolina, into which the said canal enters, that the said goods have been entered there. Fourthly. The state of North Carolina agrees that the waters of Roanoke river, Meherrin, Nottoway, Chowan, Albemarle Sound, as low as the mouth of Pasquotank river, and of Pasquotank, from the mouth thereof to the said canal shall be forever considered as a common highway free for the use and navigation of all vessels belonging to the state of Virginia or any of it's citizens, and that they shall not be subject therein to the payment of any toll or charge whatever imposed for the purpose of raising a revenue. Fifthly. The state of North Carolina agrees that no restriction, duty, or impost, shall be laid on any commodity which is the growth, produce, or manufacture, of the state of Virginia, passing through the aforesaid waters to the said canal, or brought through the said canal or over the said causeways for sale or exportation, and that the same may be sold or exported without reinspection. In those articles where it is expressed that no duty or impost is to be laid for the purpose of raising revenue it is not to be understood that the imposition of tolls for the purpose of improving the navigation of the said waters is prevented. Sixthly. The state of North Carolina agrees that when any imported goods shall within five

five months after entry be exported through the said canal or over the said causeways into the state of Virgina, in packages, bales, or tasks, as imported, the duties thereof shall be remitted or repaid as the case may be to the exporter on his producing within six months after the aforesaid entry the certificate of the naval officer of Norfolk, that the said goods have been entered there. Seventhly. Imported goods passing from one part of either of the said two states to another part of the same, through any of the waters of the other state, shall not be subject to any duty imposed for the purpose of raising a revenue. Lastly. The citizens of each of the said two states may have the use of the inspections of the other, for the purpose of reinspecting any damaged commodities, which have passed through the said canal, on paying the price of the labour of reinspection and no more.

29. And whereas this General Assembly are of opinion that the said compact is made on just and mutual principles for the true interest of both governments,

30. *Be it therefore enacted*, That the said compact is hereby approved, confirmed, and ratified, by the General Assembly of the state of Virginia, and that every article, clause, matter, and thing, therein contained, shall be obligatory on this state and the citizens thereof, and shall be forever faithfully and inviolably observed and kept by this government and all its citizens, according to the true intent and meaning of the said compact, and the faith and honour of this state are hereby solemnly pledged and engaged to the General Assembly of the state of North Carolina and the government and citizens thereof, that this law shall never be repealed or altered by the legislature of this state, without the consent of the state of North Carolina. Every act or part of an act of assembly which comes within the purview and meaning of this act shall be, and the same is hereby repealed. This act shall commence and be in force from and after the passing of a like act by the General Assembly of North Carolina.

CHAP. II.

An Act to amend the Act entituled, "An Act for Cutting a Navigable Canal from the Waters of Elizabeth River in this State, to the Waters of Pasquotank River in the State of North Carolina."

[Passed November 25th, 1790.—Acts of 1790, ch. 25, pa. 18.]

Books to be opened for receiving subscriptions.

BE *it enacted by the General Assembly of Virginia*, That the books directed to be opened for receiving and entering subscriptions in the towns of Norfolk, Portsmouth, Suffolk, Petersburg, Richmond, Fredericksburg, and Alexandria, by the act entituled, "An act for cutting a navigable canal from the waters of Elizabeth river in this state, to the waters of Pasquotank river in the state of North Carolina," shall be opened for receiving subscriptions at the said places, and under the management of the persons mentioned in the said recited act, and in the city of Williamsburg, under the management of Robert Andrews, in the month of May next, after the time when this act shall be in force, and continue open until the first day of September following; and on the third Thursday of the said month of September, there shall be a general meeting of the subscribers at the town of Halifax, in

Meeting of subscribers; when and where.

the state of North Carolina, of which meeting notice shall be given by the said managers or any three of them in the gazettes of both the aforesaid states, at least one month next before the said meeting; and such meeting shall and may be continued and the business of it conducted in the manner prescribed for the meeting appointed by the said recited act.

Conditions, on which the tolls are granted.

2. And it is hereby declared and enacted, that the tolls allowed to be demanded and received by the before recited act, are granted and shall be paid on condition only that the said Dismal Swamp company shall make the canal and locks of sufficient width for vessels that are fifteen feet broad, and of sufficient depth to be navigated in dry seasons, by vessels drawing three feet water from Deep creek near Tucker's mill in Virginia, to the highest good navigation for vessels of the aforesaid draft in Pasquotank river in North Carolina, and that each of the locks shall be ninety feet in length, and the causeways fifteen feet in breadth.

Part of the former act repealed.

3. *And be it further enacted*, That every act or part of an act of assembly which comes within the purview and meaning of this act, and every part of the before recited act concerning the regulation of commerce, so far as the same is now vested in the government of the United States, shall be and the same are hereby repealed.

Not to be repealed or altered without the consent of North Carolina.

4. And so soon as an act similar to the before recited act, as amended by this act, shall have been passed by the state of North Carolina, the before recited act as amended by this act, shall be in force, and shall never be repealed or altered by the legislature of this state, without the consent of the state of North Carolina.

CHAP. III.

An Act authorising the Treasurer of this Commonwealth, to subscribe for certain Shares in the Dismal Swamp Canal Company.

[Passed November 21st, 1791.—Acts of 1791, ch. 21, pa. 12.]

Treasurer to subscribe for fifty shares in the Dismal Swamp canal company,

1 BE *it enacted by the General Assembly*, That the treasurer of this commonwealth shall be authorised and directed to subscribe in behalf of the same, to the amount of fifty shares in the Dismal Swamp canal company; and the money necessary in consequence of such subscription, shall be paid to the order of the president and directors of the Dismal Swamp canal company, in the same proportion as shall be required from individual subscribers.

to vote in meetings of the company, and receive the state's proportion of the tolls.

2. And the treasurer for the time being, shall have a right to vote according to such shares, in person, or by proxy, appointed by him, at the meetings of the said company, and shall receive the proportion of the tolls which shall from time to time become due to this state from the shares aforesaid.

3. This act shall commence and be in force from the passing thereof.

CHAP. IV.

An Act altering the time of the Annual General Meeting of the Dismal Swamp Canal Company.

[Passed December 22d, 1795.—Acts of 1795, ch. 46, pa. 42.]

Time of annual meeting.

1 BE *it enacted by the General Assembly*, That hereafter the annual general meeting of the Dismal Swamp canal company, shall be held on the fourth Monday in October, in every year, instead of the first Monday in September.

Commencement of this act.

2. This act shall be in force so soon as an act of a like nature shall be passed by the legislature of North Carolina.

CHAP. V.

An Act concerning the Dismal Swamp Canal Company.

[Passed January 3d, 1799.—Acts of 1798, ch. 22, pa. 14.]

Treasurer authorised to subscribe for the state certain additional shares in the Dismal Swamp canal company.

1 BE *it enacted by the General Assembly*, That the treasurer be, and he is hereby authorised and required, to subscribe on behalf of the commonwealth, for twenty additional shares in the Dismal Swamp canal company, which shall be held and enjoyed in like manner as the shares now held by the commonwealth in the said company; and the money which shall become due for the shares so to be subscribed for, shall be paid by the said treasurer, out of any money in his hands, on a warrant or warrants from the auditor of public accounts, to be issued on application of a board of the president and directors of the said company.

Commencement

2. This act shall commence in force from the passing thereof.

CHAP. VI.

An Act concerning the Dismal Swamp Canal Company.

[Passed December 16th, 1800.—Acts of 1800, ch. 3, pa. 7.]

Preamble.

WHEREAS it is represented to this General Assembly, by the Dismal Swamp canal company, that the said company notwithstanding the greatest exertions may not be able to complete the canal and other works undertaken by them within the time to which they are limited by law, and also that some alterations may be made in the said works which will be beneficial to the said company and not detrimental to the public. And whereas it consisteth with the true policy and dignity of states to encourage works of public utility and to favor those engaged in the execution of them so far as it may comport with the general good,

Further time allowed for the completion of the works.

1. *Be it enacted*, That the further time of five years be allowed to the Dismal Swamp canal company to be computed from the nineteenth day of September, in the year one thousand eight hundred and one to complete their canal and other works in such a manner as to entitle them to receive the tolls granted by law.

Directed that a causeway be made on one bank of the canal.

2. *And be it further enacted*, That a causeway or road of the dimensions prescribed by law on one bank of the said canal, shall be sufficient until the legislatures of the states of Virginia, and North Carolina shall see proper to direct a like road or causeway to be made on the other bank; any act or part of an act to the contrary notwithstanding.

Company authorised to take tolls immediately.

3. *And whereas*, It is represented that parts of the said canal and works may now be used by travellers and others, with advantage, and it is just that they who receive the benefit therefrom should make some return for the same. *Be it enacted*, That the said company shall have a right to demand and receive from those who may choose to use their causeways or water before the navigation and works shall be completed a reasonable compensation for the use thereof: the assembly of North Carolina having passed an act similar to this.

Enacting clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. VII.

An Act concerning the Dismal Swamp Canal Company.

[Passed January 20th, 1807.—Acts of 1806, ch. 100, pa. 39.]

Preamble.

WHEREAS it has been represented to this General Assembly, by the Dismal Swamp canal company that the said company, notwithstanding the greatest exertions, will not be able to complete the canal and other works undertaken by them within the time to which they are limited by law: And whereas it consisteth with the true policy of states, to encourage works of public utility:

Time for completing works prolonged.

1. *Be it enacted by the General Assembly*, That the further time of six years, to be computed from the first day of August, one thousand eight hundred and six, be allowed to the Dismal Swamp canal company, to complete their canal and other works in such a manner as to entitle them to receive the tolls granted by law.

Commencement

2. This act shall commence and be in force from and after the passing hereof.

ELIZABETH AND NORTH RIVER.

An Act for Cutting a Canal from the Waters of Elizabeth River to the Waters of North River.

[Passed December 12th, 1796.—Acts of 1796, ch. 15, pa. 14.]

An Act to revive and amend the Act, entituled, "An Act for Cutting a Canal from the Waters of Elizabeth River to the Waters of the North River".

[Passed January 2d, 1800.—Acts of 1799, ch. 40, pa. 21.]

[*See Rev. Code, vol. I. ch.* 3, *pa.* 5.—*Ch.* 4, *pa.* 10.—*Chan. Rev. pa.* 99, 100. *pa.* 176. *pa.* 180. *pa.* 206.

Acts of October 1784.—Ch. 91, sect. 7, 8.]

CHAP. I.

An Act for the safe keeping the Land Papers of the Northern Neck in the Register's Office.

[Acts of 1785, ch. 67, pa. 36.]

1 WHEREAS it is necessary and expedient that the records and papers upon which the titles to their lands of the citizens of this commonwealth depend, should be kept in the same office; and whereas it hath heretofore been customary to keep the records, documents, and entries of the lands within the district of the Northern Neck in the office of the late proprietor:

2. *Be it enacted*, That in future all such records, documents, books, and papers, shall be in the keeping of the register of the land office, in the city of Richmond, who is hereby appointed keeper of the same; and the executive shall, within three months from the passing of this act, cause the said records, documents, books, and papers, to be safely removed from the said proprietary office into the office of the register, who shall give a receipt for the same, which receipt shall be lodged in the council chamber, and recorded in the council books. And the expenses incurred by the said removal shall be paid out of the contingent fund.

3. *And be it further enacted*, That every person having title or claim to any land or lands within the Northern Neck, shall, on application, be furnished with an authenticated copy of any record, document, or writing, by the register; and such authenticated copies shall be evidence in all courts of record in which the title or quit rents of any of the said lands shall at any time be drawn into question. And whereas since the death of the late proprietor, the right honourable Thomas Lord Fairfax, no mode hath been adopted to enable those who had before his death made entries for waste and unappropriated lands in his office, nor to enable those who since his death have made entries within the said district, according to an act of assembly, entituled "An act concerning surveyors," to obtain titles for the same,

4. *Be it therefore enacted*, That where any surveys have been heretofore made, or hereafter shall be made under entries made in the life of the said proprietor, or under entries made with the surveyor of any county, under the act of assembly aforesaid, and which have been returned to the said proprietary office, or shall hereafter be returned to the register's office, the register shall make out grants therefor, to bear teste under the hand of the governor and the seal of this commonwealth, in the same manner as is by law directed in cases of other unappropriated lands; and the surveyors with whom such entries have been made, are hereby directed and empowered, to proceed to survey and record the same, and to make return of such surveys to the register's office, in the same manner, and within the same time, as is or shall be directed in cases of warrants issued for other unappropriated lands within this commonwealth, and thereupon grants shall issue in the manner herein before directed.

5. *And be it further enacted*, That from and after the passing of this act, the unappropriated lands within the said district shall be subject to the same regulations, and granted in the same manner, and all caveats shall be proceeded upon, tried and determined, as is by law directed in cases of other unappropriated lands belonging to this commonwealth.

6. *And be it further enacted*, That upon grants issued under this act, in consequence of entries heretofore made, a composition after the rate of thirteen shillings and four pence for every hundred acres, shall be paid to the register, to be by him accounted for and paid into the public treasury, in the same manner as other monies by him received by virtue of his office; and the surveyors within the said district shall for their services be entitled to and receive the same fees as other surveyors within this commonwealth for the like services.

7. *And be it further enacted*, That the land holders within the said district of the Northern Neck, shall be forever hereafter exonerated and discharged from composition and quit rents; any law, usage, or custom, to the contrary notwithstanding.

CHAP. II.

An Act to extend the operation of an Act, entituled "An Act concerning Escheators" to the several Counties in the Northern Neck.

[Acts of 1785, ch. 53, pa. 37.]

1 WHEREAS the act of assembly, entituled "An act concerning Escheators," does not in its operation extend to the counties in the Northern Neck, and it is necessary that escheators should be appointed in the several counties in that district.

2. *Be it therefore enacted*, That the aforesaid act of assembly shall be carried into execution, and be in full force in the several counties in the Northern Neck. And the court of each of the said counties is hereby required to recommend to the governor and council, some proper person to be commissioned escheator within such county, on or before the first day of June next; and in case of the failure of such recommendation, it shall be lawful, and the governor is hereby required, to appoint and commission, as soon as may be, an escheator within each of the said counties, who shall be a resident of such county.

CHAP. III.

An Act for reviving, continuing and amending an Act to revive and amend in part an Act for giving further time to enter Certificates for Settlement Rights, and for Locating Warrants upon Pre-emption Rights, and for other purposes.

[Acts of 1786, ch. 3, pa. 6.]

6. *And be it further enacted*, That where any caveat hath been been entered in the proprietor's office of the Northern Neck before the seventeenth day of October in the year of our Lord one thousand seven hundred and eighty-five, the person who entered such caveat shall, within twelve months next following, assign the causes thereof in the register's office, and proceed to prosecute the

same, and on failure the same shall be taken and deemed dismissed, and a grant for the lands so caveated shall issue to the person, his assignees, or legal representatives, in whose favor the survey was made.

CHAP. IV.

An Act directing patents to issue upon certain surveys made by Richard Rigg, deceased.

[Passed January 2d, 1788.—Acts of 1787, ch. 38, pa. 25.]

1 WHEREAS it is represented that Richard Rigg in his life time, as one of the surveyors of the right honourable Thomas Lord Fairfax, in that part of this commonwealth called and known by the name of the Northern Neck, made a considerable number of surveys and entered them in a book for that purpose; and that before any plats and certificates thereof were made and returned to the land office, the said Richard Rigg departed this life:

2. And whereas John M'Coole hath since the death of the said Richard Rigg, made out plats of such surveys from the said books and returned them to the land office with the respective fees upon oath, but no grants thereof can legally be issued; for remedy whereof, *Be it enacted by the General Assembly*, that the register of the land office, shall, and he is hereby empowered and required to issue grants conformable to the plats of surveys so returned into the land office in like manner as if the plats and certificates thereof had been returned to the office in due form by the said Richard Rigg.

CHAP. V.

An Act concerning certain Lands lying in the Northern Neck.

[Passed December 10th, 1796.—Acts of 1796, ch. 14, pa. 14.]

WHEREAS sundry appropriations of lands supposed to lie within the Northern Neck, have been made in virtue of land warrants issued under the authority of the commonwealth of Virginia, which lands are claimed under Denny Fairfax, who was devisee of Thomas Lord Fairfax, late proprietor of the said Northern Neck: *And whereas*, the commonwealth has asserted a right to the said estate so devised to the said Denny Fairfax, he being an alien, which several claims remained undecided and are now pending in the court of appeals of this commonwealth and in the supreme court of the United States, and a proposition made by a resolution of the general assembly, in consequence of a petition from the counties of Hampshire, Hardy, and Shenandoah, for an accommodation of the said pending controversies, in the words following: "*Resolved*, That in case the devisees of Lord Fairfax, "or those claiming under them, will relinquish all claim to lands "supposed to lie within the Northern Neck, which were waste

Lands located in the Northern Neck claimed by D. Fairfax. Right of the commonwealth asserted.

Resolution of the general assembly containing

the terms of accommodation

" and unappropriated at the time of the death of Lord Fairfax, " that it would be advisable for this commonwealth to relinquish " all claim to any lands specifically appropriated by the said Lord " Fairfax to his own use either by deed or actual survey," having been accepted by a letter in the words and figures following:—

Letter from John Marshall one of the purchasers of the lands of Mr Fairfax authorized to act for them all

" Richmond, November the 24th, 1796. Sir, being one of the " purchasers of the lands of Mr. Fairfax, and authorized to act " for them all. I have considered the resolution of the general " assembly on the petition of sundry inhabitants of the counties " of Hampshire, Hardy, and Shenandoah, and have determined " to accede to the proposition it contains. So soon as the convey- " ance shall be transmitted to me from Mr. Fairfax, deeds extin- " guishing his title to the waste and unappropriated lands in the " Northern Neck shall be executed, provided an act passes during " this session, confirming, on the execution of such deeds, the " title of those claiming under Mr. Fairfax, to lands specifically " appropriated and reserved by the late Thomas Lord Fairfax, or " his ancestors for his or their use. I remain Sir, with much " respect and esteem, your obedient servant, John Marshall. " The honourable, the speaker of the house of delegates." For carrying the said agreement and accommodation into effect:

Deeds to be first executed by Mr. Fairfax, means of completing the contract, &c.

1. *Be it enacted*, That upon the execution of a deed by Denny Fairfax, or those having title under him or the said Thomas Lord Fairfax, extinguishing on behalf of this commonwealth, his or their title to all lands lying within the Northern Neck, which, by the terms of the above recited proposal and agreement, he or they are bound to relinquish, all claim right and title of the commonwealth of Virginia in or to any lands lying in the said Northern Neck, which is by the terms of the said proposal and agreement to be relinquished, shall from thenceforth be extinguished, null, and void; and the said Denny Fairfax, or those claiming under him, and his or their heirs, shall hold the same, as if he the said Denny had been a native citizen of this commonwealth, and as if no escheat or forfeiture thereof had ever taken place; any law to the contrary notwithstanding.

Rights of individuals saved.

Saving to every person, other than this commonwealth, and Denny Fairfax, and those claiming under him, any right or title, in law or equity, which he or they may have to the lands in the said Northern Neck of Virginia, or any part thereof.

CHAP VI.

RESOLUTION.

FRIDAY, December 22d, 1797.

RESOLVED, That the executive be requested, and they are hereby authorised to take such measures as they may deem right, for carrying into complete effect, the act of the last session of the general assembly, entituled, " An act concerning certain lands lying in the Northern Neck."

December the 23d, 1797—Agreed to by the senate.

An Act authorising John Mayo, the younger, to build a Toll Bridge across James River.

[Acts of 1785, ch. 100, pa. 79.]

An Act to authorise Francis Thornton, to build a Toll Bridge across Rappahannock River.

[Passed December 7th, 1791.—Acts of 1791, ch. 41, pa. 18.]

An Act authorising Nathaniel Ellicott and Isaac M'Pherson, to build a Toll Bridge across the River Occoquan, at the place therein mentioned.

[Passed December 17th, 1795.—Acts of 1795, ch. 87, pa. 53.]

An Act authorising Thomas Mason, to build a Toll Bridge across the River Occoquan.

[Passed December 17th, 1795.—Acts of 1795, ch. 88, pa. 53.]

An Act to fix the Tolls for passing Thomas Mason's Bridge, over Occoquan River.

[Passed January 2d, 1798.—Acts of 1797, ch. 56, pa. 33.]

An Act to authorise Enoch Francis to erect a Toll Bridge over Goose Creek, in the County of Loudon.

[Passed December 26th, 1795.—Acts of 1795, ch. 89, pa. 53.]

An Act to authorise Carter Beverley, to build a Toll Bridge over the North Branch of Rappahannock River.

[Passed November 29th, 1796.—Acts of 1796, ch. 69, pa. 37.]

An Act to authorise Landon Carter, to build a Toll Bridge over the North Branch of Rappahannock River.

[Passed December 25th, 1797.—Acts of 1797, ch. 53, pa. 31.]

An Act to authorise Ferdinando Fairfax, to build a Toll Bridge over Shenandoah River, in the County of Berkeley.

[Passed December 25th, 1797.—Acts of 1797, ch. 67, pa. 37.]

An Act to authorise Robert Watkins, to build a Toll Bridge over Appamattox River.

[Passed December 30th, 1800.—Acts of 1800, ch. 29, pa. 13.]

An Act to authorise William Colley, to build a Bridge over Smith's Creek, near the Borough of Norfolk.

[Passed January 6th, 1801.—Acts of 1800, ch. 27, pa. 16.]

An Act authorising John Barnett and others, to build a Toll Bridge across Dan River.

[Passed December 31st, 1801.—Acts of 1801, ch. 40, pa. 25.]

An Act authorising Edmund Terrel, to build a Toll Bridge over Rapid Ann River.

[Passed December 22d, 1801.—Acts of 1801, ch. 46, pa. 27.]

An Act to establish a Draw Bridge over the Eastern Branch of Elizabeth River, within the County of Norfolk, and for other purposes.

[Passed January 8th, 1803.—Acts of 1802, ch. 51, pa. 38.]

An Act to amend the Act, entituled "An Act to establish a Draw Bridge over the Eastern Branch of Elizabeth River within the County of Norfolk, and for other purposes."

(Passed January 20th, 1804.—Acts of 1803, ch. 85, pa. 53.)

An Act to amend the Act, entituled an Act, to amend the Act, to establish a Draw Bridge across the Eastern Branch of Elizabeth River, within the County of Norfolk, and for other purposes.

[Passed January 29th, 1805.—Acts of 1804, ch. 29, pa. 29.]

An Act authorising Talbot Godwin, to erect a Toll Bridge from the Town of Suffolk, over the Eastern Branch of Nansemond River.

[Passed January 9th, 1805—Acts of 1804, ch. 37, pa. 32.]

An Act incorporating a Company to Build a Toll Bridge over the South Branch of Potowmac River.

(Passed January 2d, 1805.—Acts of 1804, ch. 43, pa. 34.)

An Act authorising John Beale, to build a Toll Bridge over James River.

(Passed January 5th, 1805.—Acts of 1804, ch. 49, pa. 38.)

An Act encreasing the Tolls at Mason's Bridge, over Occoquan River.

(Passed December 31st 1804.—Acts of 1804, ch. 51, pa. 39.)

An Act authorising William Bentley and Edward Moseley, to erect a Toll Bridge over Staunton River.

(Passed December 20th, 1804.—Acts of 1804, ch. 79, pa. 49.)

An Act to incorporate a Company to build a Toll Bridge over the North Fork of Shenandoah River, from the Town of New Haven to Port Republic, in the County of Rockingham.

(Passed December 18th, 1805.—Acts of 1805, ch. 9, pa. 8.)

An Act authorising a Toll Bridge over Pagan Creek in the County of Isle of Wight.

[Passed January 4th, 1806.—Acts of 1805, ch. 32, pa. 20.]

An An authorising a sum of Money to be raised by Lottery, for building a Toll Bridge over Cheat River.

[Passed January 7, 1806.—Acts of 1805, ch. 42, pa. 25.]

An Act authorising John Brander to erect a Toll Bridge over Swift Creek in the County of Chesterfield.

[Passed January 9th, 1806—Acts of 1805, ch. 45, pa. 26.]

An Act to amend an Act authorising Talbot Godwin, to erect a Toll Bridge from the Town of Suffolk over the Eastern Branch of Nansemond River.

[Passed January 31st, 1806—Acts of 1805, ch. 79, pa. 46.]

An Act authorising John Nizam to build a Toll Bridge over Tyger Valley River, in the County of Monongalia.

[Passed January 7th, 1807.—Acts of 1806, ch. 85, pa. 34.]

An Act Incorporating a Company to build a Toll Bridge over Great Hunting Creek, in the County of Fairfax.

[Passed January 7th, 1807.—Acts of 1807, ch. 86, pa. 34.]

CHAP. I.

An Act for establishing a Mutual Assurance Society against Fire on Buildings in this State.

[Passed December 22d, 1794.—Acts of 1794, ch. 26, pa. 17.]

Preamble.

1 WHEREAS from the great and frequent losses sustained by the ravages of fire, it is advised expedient to adopt some mode to alleviate the calamities of the unfortunate who may suffer by that destructive element, and William Frederick Ast, of the city of Richmond, having suggested and submitted to the consideration of the general assembly, a plan of mutual assurance, the title whereof is "The mutual assurance society on buildings against fire of the state of Virginia," which it is conceived will fully answer the above purposes:

Assurance society established. It's name. Principles of insurance.

2. *Be it therefore enacted*, That an assurance be established, to be called and known by the name of "The mutual assurance society aginst fire on buildings of the state of Virginia," the principles whereof shall be "that the citizens of this state may insure their buildings against the losses and damages occasioned accidentally by fire, and that the insured pay the losses and expenses, each his share according to the sum insured: And that subscriptions be opened in the different parts of this state, where it may be thought necessary, under the direction of Thomas Newton, junior, and James Morris, at Norfolk; Archibald Richardson and John Driver, at Suffolk; Robert Andrews and Robert Greenhow, at Williamsburg; John Jeffers, Alexander M'Rae, and John Osborne, at Petersburg; Worlich Westwood and George Hope, at Hampton; John Harvie, Robert Mitchell, Andrew Dunscomb, and William F. Ast, at Richmond; Fontaine Maury and Robert Patton, at Fredericksburg; William Hartshorne and Robert T. Hoe, at Alexandria; Archibald Magill and Abraham Neille, at Winchester; Alexander St. Clair and Robert Grattan, at Staunton; Henry Bowyer, Thomas Madison, and John Miller, at Fincastle; William Norvell and Sackville King, at Lynchburg; John Caruthers and William Lyle, at Lexington; William Reynolds, William Cary, and Abraham Archer, at York; James Penn and Thomas Read, at New-London; James Muschitt and Alexander Henderson, at Dumfries; Alexander Smyth and John Montgomery, of Wythe; James Miller and John Hipkins, at Port Royal; John Quinn and John Otey, of Liberty; Robert Dunbar and Daniel Triplett, Falmouth; William White and Caleb Boush, Kempsville; Thomas Bell and Robert Jouitt, at Charlottesville; and David Hunter and Moses Hunter, at Martinsburg, in the county of Berkeley. As soon as the sum subscribed for shall amount to three millions of dollars or upwards, notice shall be given in the Virginia gazettes, and a day fixed upon for the meeting of the subscribers, who shall then either attend in person or by representatives in the city of Richmond, to examine the aforesaid system of a mutual assurance, proposed by the said William Frederick Ast, and conclude upon such rules and regulations as they or a majority of them may think best, which shall be signed by any twelve of them chosen for that purpose, and that the same shall then be binding on all those who shall insure their property in the said assurance society.

Where and under whose direction the subscriptions shall be opened.

When a certain sum is subscribed, subscribers to meet in Richmond and form rules for the society.

And choose agents.

3. And as soon as they have agreed upon such rules and regu-

lations, they shall proceed to elect by a majority of the votes of the subscribers present, agents for the management of the business of the said society, and thenceforth they shall be considered as a body politic incorporated by this act, under the denomination aforesaid, and by that name shall have succession, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity in this commonwealth or elsewhere, and may buy and sell, do and execute every other thing relative to the society. But none of the subscribers or their agents shall be sued individually for any thing that relates to the assurance society in general. In case of law suits or any other business, application shall be made to the agents, and they shall appear and act for and in behalf of the society.

And thenceforth to be a body politic.

None of the subscribers or the agents to be sued individually.

4. The society, or a majority of them, shall be at liberty from time to time to alter and amend the rules and regulations as they may judge necessary.

The majority of the society may change the rules thereof.

5. They shall agree upon certain premiums to be paid by the persons who shall have their property insured at the time of such insurance, which shall be deposited and kept as a fund for the purpose of making immediate reparation to such persons as may sustain losses or damages by fire after proof that the fire actually happened, unless it be proved that the proprietor of the buildings insured did wilfully occasion the fire directly or indirectly.

Premiums for insurance by whom to be fixed.
To be kept as a fund for paying for losses by fire.

6. If the funds should not be sufficient, a repartition among the whole of the persons insured shall be made, and each shall pay on demand of the cashier, his, her or their share according to the sum insured, and the rate of hazard at which the building stands, agreeable to the rate of the premiums, for which purpose it is hereby declared that the subscribers, as soon as they shall insure their property in the assurance society aforesaid, do mutually for themselves, their heirs, executors, administrators and assigns, engage their property insured (but none other) as security, and subject the same to be sold, if necessary, for the payment of such quotas.

When the fund is deficient, the losses to be made good by the subscribers, and the property insured pledged therefor.

7. That these quotas shall always be so rated as to raise and keep up a fund, so that the interest thereof may be deemed by the president and directors (to be elected by the said society) sufficient to pay the annual losses and expenses. If such quotas are found necessary, the president is to publish in the public newspapers how much the quota is of each rate of hazard per every hundred dollars, whereupon the insured shall pay the same on application to the cashier in whose office the property is insured. Whensoever any person or persons shall neglect to pay such quotas, the assurance to him made shall cease and discontinue from the day on which they became due until paid.

How their respective quotas are to be ascertained and collected.

Insured failing to pay, to lose his insurance until he does.

8. To the end that purchasers or mortgagees of any property insured by virtue of this act, may not become losers thereby, the subscribers selling, mortgaging, or otherwise transferring such property, shall at the time apprise the purchaser or mortgagee of such assurance, and endorse to him or them the policy thereof. And in every case of such change the purchaser or mortgagee shall be considered as a subscriber in the room of the original, and the property so sold, mortgaged, or otherwise transferred, shall still remain liable for payment of the quotas in the same manner as if the right thereof had remained in the original owner.

Policies to be assigned to purchasers and mortgagees who are to stand in the room of the original subscribers.

9. As an encouragement and compensation to the said William Frederick Ast, for forming, suggesting and publishing the beforementioned useful plan of mutual assurance, *Be it further enacted*, That he shall be entitled to have and receive annually, one cent for every hundred dollars that are or may be insured as aforesaid, to be paid him at the end of every three months, as the same become due, out of the funds of the said mutual assurance society, as a yearly stipend, and for which, if required by the insured, he is by himself or agent to perform faithfully the duty (which can reasonably be done by one person) of such office of the said society as he may be appointed to by the same, and the emolument hereby allowed shall not in any manner be diminished during his good and faithful behaviour. Compensation to Wm. F. Ast, author of the plan. Society may require him to perform such office as they may appoint him to.

10. The subscribers in default of paying the premiums at the times fixed therefor, shall, on request of the cashier, be compelled to pay the same with six per cent. interest thereon to the day of payment, and their property shall be liable to be sold for the same as aforesaid. How subscribers may be compelled to pay the premiums.

11. This act shall commence and be in force, from and after the passing thereof. Commencement of this act.

CHAP. II.

An Act to explain an Act, entituled, An Act for establishing a Mutual Assurance Society, against Fire on Buildings in this State.

[Passed December 23d, 1795.—Acts of 1795, ch. 41, pa. 40.]

WHEREAS it hath been represented to the general assembly, that in conformity with the requisitions of an act passed on the twenty-second day of December, in the year of our lord, one thousand seven hundred and ninety-four, entituled, "An act for establishing a mutual assurance society against fire on buildings in this state;" three millions of dollars and upwards have been subscribed for the purposes in the said act mentioned, and that at a numerous meeting of the subscribers lately held in the city of Richmond, agreeable to a previous notification in the Virginia gazette, doubts had been suggested relative to the meaning and construction of the said act, which were likely to prevent the plan thereby contemplated from being carried into effect, and it is therefore necessary for removing such doubts, so to explain the said act, as that the supposed ambiguities therein may be done away: Preamble.

1. *Be it enacted, and it hereby is enacted*, That the said subscribers, a majority of them in person or by deputation, being present, or a majority of the sum subscribed when any meeting shall be held, being there represented, shall have power and authority to proceed and act in all matters and things in the first recited act mentioned, in as full, absolute and unlimited a manner as they might or could do if all and every of the said subscribers were actually present and attending at any such meeting: *Provided always*, That no meeting subsequent to the one now assembled or to be assembled next after the passing of this act, (respecting which no farther notification need be given) shall be authorised to proceed on any business whatsoever concerning the said institution, without having given at least three weeks notice in the Virginia gazette, of Majority of subscribers, in person or by deputation may proceed herein. Proviso.

the time when, and the place where, such meeting is to be held: But it shall be lawful for any meeting, fifteen members being present, to adjourn from day to day, until their business shall be finished.

For what premiums property liable to be sold.

2. *And it is hereby further enacted, and declared*, That the premiums, for the non-payment of which, property agreeable to the said first recited act, may be sold, shall be understood to be those premiums only, which under the regulations to be formed by the said society, shall become payable in consequence of any insurance to be hereafter made, or subscribed for, with the said society.

Commencement of this act.

3. This act shall be in force and have effect from the passing thereof.

CHAP. III.

An Act to amend the Act, for establishing a Mutual Assurance Society against Fire, on Buildings in this State.

[Passed January 12th, 1799.—Acts of 1798, ch. 30, pa. 16.]

Preamble.

WHEREAS the general assembly, by an act passed the twenty-second day of December, one thousand seven hundred and ninety-four, have bound the mutual assurance society against fire on buildings in the state of Virginia, to make immediate reparation to those who might meet with a loss by fire; and it is therefore just and expedient that the said society should also be enabled to recover immediately of the delinquent subscribers or members, the premiums and quotas which may be due from them:

Subscriptions of delinquent subscribers may be recovered on motion, saving the trial by jury if required.

1. *Be it therefore enacted*, That the said mutual assurance society, shall have full power to recover the whole or any part of such premiums or quotas, as are or may hereafter become due from any delinquent subscriber or member, under his subscription or declaration for insurance made to the said society, on motion of the cashier of the society, before the court of the county, or the court of the district wherein such delinquent may reside, ten days notice of such motion being previously given, and such court shall have full jurisdiction to hear and determine such motion, and to cause their judgment to be enforced with costs, by any legal execution, saving to any person against whom a motion shall be made, the right of a trial by jury if he shall desire it.

Same mode of recovery given to subscribers, against the society.

2. *And be it further enacted*, That any person or persons, whose property has been or may be insured, upon complying with the rules and regulations of the said society, shall have the same remedy against them, as they have against their delinquents by this act.

Construction of this act in certain cases.

3. *And be it further enacted*, That this law shall not have a retrospect to those persons that have subscribed before the organization of the said institution, and have not sent in their declarations for insurance, unless they send them in hereafter.

Commencement

4. This act shall be in force, from and after the passing thereof.

CHAP. IV.

An Act to amend the several Acts passed for the Establishment of the Mutual Assurance Society against Fire on Buildings of the State of Virginia.

[Passed January 23d, 1800.—Acts of 1799, ch. 15, pa. 10.]

Preamble.

WHEREAS it is represented to the general assembly, that from the dispersed situation of the members and subscribers of the mutual assurance society against fire on buildings of the state of Virginia, it is difficult to procure a general meeting of the said society: For remedy thereof, and by the particular request of the said society,

Senators or delegates from the city &c. to represent absent members at general meetings.

1. *Be it enacted*, That whensoever any general meeting of the said society shall be holden during the session of the general assembly, the senator of the district, or delegates of the city, borough or county, wherein any absent member or subscriber shall reside, or one of them may represent such absent member or subscriber in such meeting, unless a proxy shall have been duly appointed.

In motions &c. against delinquents, copies of records to be evidence.

2. *And be it further enacted*, That in any action, motion or suit, instituted against any member or subscriber for the recovery of a premium or quota due from him or her to the said society, any copy (as far as it relates to the delinquent member or subscriber) from the records of the said society, certified by the principal agent or cashier general upon oath, and signed by the president, or in his absence by any two directors, under the seal of the said society, shall be received as evidence and have as full faith and credit in all the courts of this commonwealth, as if the originals were produced.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. V.

An Act to amend the several Acts for the establishment of the Mutual Assurance Society against Fire on Buildings, and also against Fire on Goods and Furniture in the State of Virginia.

(Passed January 27th, 1803.—Acts of 1802, ch. 5, pa. 7.)

Tenants for life, and orphans property may be insured on certain conditions.

1 BE *it enacted by the General Assembly*, That the mutual assurance society against fire on buildings of the state of Virginia, may insure buildings held by tenants for life, widows in right of their dower, and by orphans; Provided that the declarations for insurance shall be signed by the tenants for life or widows, and the guardians or trustees of such orphans, as the case may be; which declarations for assurance so signed, shall be binding on such buildings, and the persons who have signed such declarations and their representatives, and particularly on the actual owners of such property in the same manner as if such declarations had been signed by owners in fee-simple of such property; subject, however, to the following provisions, limitations and restrictions; in case the house occupied by any tenant for life, shall be destroyed by fire after insurance, such tenant for life, shall annually share from the said society during his or her life, the interest accruing on the principal sum of the loss insured, and the principal money

shall be paid, after the death of such tenant for life, to the person or persons who are entitled to such house or houses in reversion or remainder; and in case such buildings be the property of an infant, the principal money shall be paid to the guardian or trustee of such infant.

Property in Alexandria may be insured.

2. *Be it further enacted*, That the said mutual assurance society may insure buildings situate in the county of Alexandria; as also the mutual insurance company against fire on goods and furniture in the state of Virginia, may insure goods and furniture in the said county, within the district of Columbia, and such subscribers for insurance, shall have the same benefits and rights of recovery, as if he, she or they, had been citizens of this commonwealth; *Provided*, That congress pass a law subjecting those who declare for insurance in the aforesaid society and company, or either of them, to the provisions and regulations of the laws of this state, which are already, or may hereafter be passed, concerning the said society and company.

Commencement

3. This act shall commence and be in force so soon as congress shall pass a law subjecting the citizens of the county of Alexandria, who shall hereafter subscribe for insurance in the said society and company, to the same mode of recovery in the court of the county of Alexandria, as is now allowed and granted by the laws of this commonwealth, against defaulting subscribers residing within this state.

CHAP. VI.

An Act for carrying into execution the Constitution of the Mutual Assurance Society against Fire on Buildings of the State of Virginia lately adopted at a general meeting.

[Passed January 29th, 1805.—Acts of 1804, ch. 24, pa. 23.]

Preamble.

WHEREAS it hath been represented to this present general assembly, on the part of the mutual assurance society against fire on buildings, that such a change in their constitution as shall separate the interests of the inhabitants of the towns from the interests of the inhabitants of the country, is essential to the equalization of the risks; and that the same hath been agreed upon at a general annual meeting of the said society.

Interest of town and country divided.

1. *Be it therefore enacted*, That the funds now in hand, as well as the debts due to the said society, shall be divided between the towns and country, in proportion to the capital subscribed by the towns and country respectively.

2. All premiums and quotas in future for the insurance of houses in towns, shall be applied, together with the interest that may accrue therefrom, to the payment of all losses which may be sustained by the burning of houses in towns, and to none other.

3. All premiums and quotas in future for the insurance of houses in the country, shall be applied, together with the interest that may accrue therefrom, to the payment of all losses which may be sustained by the burning of houses in the country, and to none other.

4. Property insured in towns, and property insured in the country, shall be responsible for their respective losses only, and not for the losses of each other.

Expenses of society, to be paid in proportion to sums insured by town & country.

5. The contingent expenses of the society, except as hereafter provided for, shall be paid conjointly, but in proportion to the sums insured by the towns and the country.

Agents, how appointed.

6. Agents shall be appointed for the towns and country, by and at the discretion of the president and directors, who shall define their duties. They shall be free-holders and residents in the districts for which they shall be respectively appointed, and shall be paid a reasonable compensation for their services, to be judged of by the president and directors. The agents for the towns, shall be paid out of the funds of the towns; and the agents for the country, out of the funds of the country.

Property now insured to be revalued within the year 1805.

7. All valuations of houses now insured in the towns, or in the country, shall be revised within the year one thousand eight hundred and five, under the superintendance of the said agents, and no building which may be thereafter consumed by fire, shall be paid for, but according to such revaluation, subject to a deduction of one fifth thereof; and where such revaluation shall exceed the former valuation, an additional premium shall be paid.

Classes of risk.

8. Buildings both in the towns and in the country, shall be arranged into as many different classes of risk, as the president and directors may think necessary for the purposes of equalization.

Appointment, salaries, &c. of president and directors.

9. There shall be in future only three directors, out of whom a president shall be chosen. The salary of the president shall be five hundred dollars, and the salaries of the directors, three hundred and fifty dollars each. They shall be responsible for malfeasance or misfeasance in office, and their salaries shall be paid out of the joint funds of the towns and country, but in proportion to the sums insured by the towns and country. In the event of the death or resignation of the president, the next director shall take his place; and any vacancy which may happen in the direction, shall be filled up by the remaining members, until the next general meeting. A majority of the members shall be necessary to form a board for the transacting of business not delegated to the president. The president alone may perform any act which he may be authorised to do by a resolution of the board, except in the disbursement of money, which power shall be exercised only by the board. And the said president and directors shall take the following oath: "I, A. B. do solemnly swear, or affirm, that I will faithfully execute the duties of my office (as president or director, as the case may be) to the best of my skill and understanding."

Oath of office.

Rules and regulations, how formed.

10. The said president and directors shall have power to form such rules and regulations for the transacting of the business of the society, whether it be to fix the rates of hazard, the quantum of interest to be insured, the recovery of monies due to the society, or any other matter that they may think conducive to the interests of this society; which said rules and regulations shall be in force until the next general meeting, to which they shall be reported.

Principal agent.

11. A principal agent shall be appointed by the general meeting annually, subject to the entire control of the president and directors, and his salary shall be one thousand dollars.

Dividend of surplus interest, how made.

12. Once in every five years, there shall be a dividend of the surplus interest arising from the sums vested, if any surplus there be, amongst the present insurers, and all who may insure in the course of the year one thousand eight hundred and five; and once in every five years thereafter amongst those, their heirs, &c. whose property may have been insured for the space of four years or more, and amongst none others.

Conditions on which members may withdraw.

13. From and after the commencement of this act, it shall be lawful for any member of this society to withdraw from the same, on giving six weeks previous notice, and upon paying all arrearages due at the time of withdrawing.

New constitution, when to commence.

14. The constitution as thus amended shall commence on the thirtieth instant, at which time a general meeting shall be held in the city of Richmond for the election of the directors, and for the purpose of transacting the general business of the society.

Rules and regulations, foregoing binding.

15. The foregoing rules and regulations shall, on the thirtieth day of January in the present year, or on the first day of March next, if the operation of this act should be postponed, as herein after is provided, stand and be considered as binding upon the said society, upon every member or subscriber, or other person connected therewith, and upon every subject, matter and thing relating thereto, in the most ample manner, except so far as the same shall be otherwise or further provided for by this act, any laws, rules, or regulations heretofore made to the contrary notwithstanding.

Certain acts of assembly, how far repealed.

16. *And be it further enacted*, That the several acts of the general assembly, "For establishing a mutual assurance society against fire on buildings in this state;" "To explain an act, entituled, an act for establishing a mutual assurance society against fire on buildings in this state; "To amend the act for establishing a mutual assurance society against fire on buildings in this state;" "To amend the several acts passed for the establishment of the mutual assurance society against fire on buildings in the state of Virginia;" and "To amend the several acts for the establishment of the mutual assurance society against fire on buildings; and also against fire on goods and furniture in the state of Virginia;" and all rules and regulations of the said society, shall, after the commencement of this act, be repealed so far as the same, or any part thereof, may be repugnant to this act.

All debts, &c. now due provided for before division of funds.

17. *And be it further enacted*, That it shall be the duty of the present president and directors, out of the funds which now are, or shall be in their hands, belonging to the society, at the commencement of this act, to make provision for all debts, and contracts, and obligations, then due from, or binding on the society, before the division of funds, between the towns and country, in proportion to the capital subscribed by the towns and country respectively, shall be made: and that if any loss hath happened or may happen before the commencement of this act, for which the present president and directors may not have provided before their

offices cease, it shall be lawful for the future president and directors to pay for such loss out of the funds which shall belong to the said society on the commencement of this act, without a discrimination between the towns and country, or to require a quota or quotas, if necessary, in the same manner and upon the same principles, as it may now be required, without a discrimination between the towns and country.

Debts due society, how sued for.

18. *And be it further enacted*, That all debts, demands, rights, interests and claims of the society now due or existing, or hereafter due or existing, may be sued for, prosecuted and recovered in the name of the society after the commencement of this act, in the same manner, in the same courts, and upon the same principles, as they may be now sued for, prosecuted and recovered, except that a copy relative to any delinquent member, or subscriber, from the records of the said society, certified by the principal agent upon oath, and signed by the president or any director, under the seal of the society, shall be received as evidence, and have as full faith and credit in all the courts of this commonwealth, as if the originals were produced in any action, motion or suit, concerning such member or subscriber; and except also that the name or title of the cashier need not be used.

President and directors, how chosen, &c.

19. *And be it further enacted*, That the future president and directors, shall be members of the board for transacting business, and shall be chosen annually at a general meeting, which general meeting shall hereafter be constituted and held as heretofore; but they shall not be deemed to be out of office, after the expiration of any year, until successors shall be appointed; and that temporary vacancies upon the death or resignation of a director, may be supplied by one remaining member, if only one remain. But for the carrying of this act into execution, a president, directors and principal agent, shall be chosen at a general meeting to be holden during the present session of the general assembly; or if any event should prevent such choice, at a general meeting after the rising thereof, on a day to be appointed by the present president and directors.

Their powers, duties, &c.

20. *And be it further enacted*, That the future president and directors, shall in all respects, and to all intents and purposes be vested with the same powers, authorities and rights, as belong to the present president and directors, except in those cases in which they may contradict, or may not be reconcilable with this act: and more especially in the calling for and enforcing quotas. That it shall be the duty of the future president and directors to revise such cases of insurance already made, as they shall have reason to suspect to have been obtained, contrary to the true intent and meaning of the laws, rules and regulations of the said society, now in force, and to take measures for invalidating the same: and that they may in their discretion reject any offer for insurance whatsoever.

What houses considered as in a town.

21. *And be it further enacted*, That no house shall be considered as being in a town, within the meaning of this act, unless it be within the limits of a town established by law; or in the suburbs thereof on a lot or piece of land not more than two acres.

Policies, when to be granted.

22. *And be it further enacted*, That as soon as the president and directors shall be chosen, declarations may be received and policies granted in their discretion.

Duties of agents.

23. *And be it further enacted*, That the agents to be appointed as aforesaid, shall perform the duties required from agents by the nineteenth article of the rules and regulations, now in force, and shall receive from the proprietor twenty cents on every hundred dollars of the actual value of the buildings declared for insurance, according to the directions of that article: and that the same allowance be made in the case of a revaluation, subject however to such revision, alteration or arrangements, as the future president and directors shall think proper to make concerning the same.

Proviso.

24. *Provided always*, That if the society shall at a general meeting, on the thirtieth day of January, one thousand eight hundred and five, resolve to postpone the commencement and operation of this act and the provisions therein contained, until the first day of March, one thousand eight hundred and five, it shall be lawful for them to postpone such operation accordingly, except as to the election of a president, directors and principal agent: *Provided*, That nothing in this act contained, shall be so construed as to prevent the said society from appointing more than three directors, if at any general meeting it shall be adjudged that a greater number are necessary for the well ordering of their affairs.

Proviso.

Commencement.

25. This act shall commence and be in force from and after the passing thereof.

CHAP. VII.

An Act respecting the Mutual Assurance Society against Fire on Buildings of the State of Virginia.

[Passed January 8th, 1806.—Acts of 1805, ch. 43, pa. 25.]

Further time allowed for re-valuation of buildings.

1 BE *it enacted by the General Assembly*, That such further time may be allowed from and after the first day of January next, to complete the re-valuation of buildings which may have been insured in the towns, and in the country, as the president and directors of the said company may deem necessary.

Commencement.

2. This act shall be in force from and after the passing thereof.

CHAP. VIII.

An Act Supplementary to the Act, entituled "An Act respecting the Mutual Assurance Society against Fire on Buildings of the State of Virginia."

[Passed February 3d, 1806.—Acts of 1805, ch. 90, pa. 49.]

Time given to re-value property.

1 BE *it enacted by the General Assembly*, That such further time may be allowed, from and after the passing this act, to complete the re-valuation of buildings which may have been insured in the towns and in the country, as the president and directors of said company may deem necessary; and no forfeiture shall be suffered or incurred by reason of the failure or omission to re-value property insured in any case previous to the passing this act.

Commencement.

2. This act shall be in force from and after the passing thereof.

An Act to associate Subscribers for the purpose of forming an Artificial Road from Alexandria to Little River, and for other purposes.

Passed December 26th, 1795.—Acts of 1795, ch. 31, pa. 25.]

An Act to authorise the opening a Turnpike Road over the South Mountain.

[Passed January 3d, 1800.—Acts of 1799, ch. 37, pa. 20.]

An Act to amend the Act, to authorise the opening a Turnpike Road over the South Mountain.

[Passed December 26th, 1800.—Acts of 1800, ch. 13, pa. 10.]

An Act to establish a Turnpike between the Town of Manchester and Falling Creek, on the Buckingham Road.

[Passed January 20th, 1802.—Acts of 1801, ch. 76, pa. 42.]

An Act to establish a Turnpike, on the Road over the Mountain at Swift Run Gap.

[Passed January 21st, 1802.—Acts of 1801, ch. 78, pa. 44.]

An Act to Incorporate a Company for Establishing a Turnpike Road from the intersection of Duke Street, in the Town of Alexandia, with the South West Line of the District of Columbia, to the Ford of Little River, where the Turnpike Road now crosses it.

[Passed January 28th, 1802.—Acts of 1801, ch. 83, pa. 47.]

An Act for opening a Turnpike across the South Mountain.

[Passed January 12th, 1803.—Acts of 1802, ch. 47, pa. 36.]

An Act to establish a Turnpike from Abingdon, in the County of Washington, to Saltville, in said County.

[Passed December 28th, 1803.—Acts of 1803, ch. 20, pa. 26.]

An Act to amend an Act, entituled "An Act to establish a Turnpike Road over the Mountain at Swift Run Gap."

[Passed January 10th, 1804.—Acts of 1803, ch. 56, pa. 41.]

An Act for establishing a Turnpike Road from Richmond to the Deep Run Coal Pits, and from thence to the Three Notched Road.

[Passed January 5, 1804.—Acts of 1803, ch. 115, pa. 79.]

An Act to amend and explain an Act to establish a Turnpike between the Town of Manchester and Falling Creek, on the Buckingham Road.

[Passed January 30th, 1805.—Acts of 1804, ch. 26, pa. 28.]

An Act to amend an Act, entituled "An Act to authorise the opening a Turnpike Road over the South Mountain."

(Passed January 8th, 1805.—Acts of 1804, ch. 88, pa. 54.)

An Act to appropriate the Muster Fines of certain Counties, and for other purposes.

[Passed January 28th, 1805.—Acts of 1804, ch. 102, pa. 59.]

An Act to authorise the County Court of Lee, to erect a Turnpike or Toll Gate on the Road leading from Mockerson Gap to Cumberland Gap, through the said County.

[Passed December 21st, 1805.—Acts of 1805, ch. 12, pa. 10.]

An Act to amend and explain the Act authorising the County Court of Lee, to erect a Turnpike or Toll Gate, on the Road leading from Mockerson Gap to Cumberland Gap, through the said County.

(Passed January 2d, 1807.—Acts of 1806, ch. 72, pa. 28.)

An Act establishing a Turpike Road from the Head of Roanoke River, over the Allegany Mountain.

(Passed December 31st, 1805.—Acts of 1805, ch. 17, pa. 12.)

An Act establishing a Turnpike over the Blue Ridge at Thornton's Gap.

(Passed January 7th, 1806.—Acts of 1805, ch. 41, pa. 23.)

APPENDIX No. IX.

CONTAINING A COLLECTION OF SUCH ACTS OF THE GENERAL ASSEMBLY, OF A PUBLIC NATURE, AS HAVE PASSED SINCE THE REVISAL OF 1785, AND WERE OMITTED IN THE EDITIONS OF 1794, AND 1803.

CHAP. I.

An Act to amend an Act "For establishing a Land Office, and ascertaining the terms and manner of granting waste and unappropriated lands."

[Acts of 1784, ch. 10, pa. 7.]

1 WHEREAS by the act, entituled, "an act for establishing a Land office, and ascertaining the terms and manner of granting waste and unappropriated lands," it was enacted, that any person possessing high lands, to which any swamp, marshes, or sunken grounds are contiguous, shall have the preemption of such swamps, marshes, or sunken grounds, for one year from and after the passing of the said recited act; and if such person shall not obtain a grant for such swamps, marshes, or sunken grounds, within the said year, then any other person may enter on, and obtain a grant for the same, in like manner as is directed in the case of other unappropriated lands. And great inconvenience will arise to the proprietors of high lands adjacent to such swamps, marshes, or sunken grounds, for the want of a due promulgation of the said recited act:

2. *Be it therefore enacted*, That so much of the said act as is recited above, shall be, and the same is hereby repealed. And for preventing a multiplicity of law suits which may arise out of the said recited clause in the act aforesaid,

3. *Be it further enacted*, That all and every entry or entries that may have been made by any person whatsoever for such swamps, marshes, or sunken grounds, shall be, and the same are hereby declared null and void.

4. *And be it further enacted*, That the proprietor of high lands, to which any such swamps, marshes, or sunken grounds are contiguous, shall have a right of pre-emption to enter for and complete their title thereto, until the first day of May, one thousand seven hundred and eighty-six, and no longer; after which, it shall and may be lawful for any other person or persons to enter for, survey, and obtain grants for the same: saving to persons beyond sea, feme coverts, infants, and persons under other legal disabilities, the term of three years, after their respective disabilities shall be removed.

5. *And be it further enacted*, That patents shall be obtained upon entries for all vacant sunken grounds aforesaid, in the same manner and upon the same terms as upon surplus lands. And whereas the register of the land office is restrained from receiving surveys, unless the warrant under which each survey is made is also therewith returned, which in many cases is productive of great inconvenience, and the register by having in his office a list of warrants is possessed of a sufficient check to prevent imposition herein;

6. *Be it therefore enacted*, That the said register may henceforth receive into his office, any survey certified by a sworn surveyor, which corresponds with the warrant it refers to, although the said warrant under which the said survey is made shall not be returned into his office.

7. *And be it further enacted*, That the sheriffs of the several counties within this commonwealth, shall immediately after receiving this act, read the same at the court house door of their respective counties for two several court days.

CHAP. II.

An Act altering the time of the annual meeting of the General Assembly, and for other purposes.

[Acts of 1784, ch. 20, pa. 12.]

1 BE *it enacted*, That the sheriffs, under sheriffs, or other officers authorised by law to hold elections of senators and delegates, shall within sixty days* after every election for their respective districts, counties, cities, or Boroughs, return to the clerk of the house of delegates, and to the clerk of the senate, as the case may require, certificates of such elections under their hands and seals, and shall furnish each delegate and senator with a duplicate thereof. Any sheriff, under sheriff, or other officer, failing to make such return within the time abovementioned, shall forfeit and pay the sum of fifty pounds*; to be recovered by bill, plaint, or information, in any court of record within this commonwealth; one half to the use of the commonwealth, and the other half to the informer. [If any sheriff or deputy sheriff, shall directly or indirectly so interfere in the election of senators or delegates, as to shew partiality for any of the candidates, he shall forfeit and pay the sum of two hundred pounds; to be recovered on bill, plaint, or information, in any court of record; one moiety to the use of the informer, and the other to the use of the common-

* One day at least before the meeting of the assembly. See Rev. Code, vol. 1, ch. 17, sect. 15. Under the penalty of £. 100.—Ibid. sect. 17.

wealth; and moreover be deprived of his right of voting for two years at any such election thereafter.]

2. *And be it further enacted*, That the meeting of the general assembly shall be on the third Monday in October* annually, unless convened at some other time by the governor, agreeable to the powers vested in him by the constitution or form of government. So much of an ordinance of convention, entituled "an ordinance for regulating the election of delegates, and ascertaining their allowances, and also for regulating the election of committee men in the several counties and corporations within this colony, and for other purposes," as comes within the purview of this act, shall be, and the same is hereby repealed.

*Altered in 1793 to second Tuesday in November, and in 1796, to first Monday in December. See Rev. Code, vol. 1, ch. 162, pa. 315—ch. 205, pa. 364.

CHAP. III.

An Act to explain and amend the Act, entituled "An Act to amend an Act, entituled, an Act for adjusting and settling the Titles of Claimers to unpatented Lands under the present and former Government, previous to the Establishment of the Commonwealth's Land Office."

[Acts of 1784, ch. 79, pa. 23.]

1 WHEREAS by the act, entituled "an act to amend the act, entituled an act for "adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land office," county courts were empowered to grant certificates of settlement and pre-emption rights in certain cases. And whereas also, it has been doubted whether any person claiming lands by virtue of a treasury warrant, and caveating a person claiming the same lands under such certificate of settlement and pre-emption, or being caveated by him, be allowed to examine into and contest the legality of such certificate in the trial of the cause, even though he had no previous notice that such certificate was to be applied for:

2. *Be it enacted*, That in all cases where any caveat has been or shall be entered by or against any person claiming lands by virtue of a certificate granted by a county court of a settlement and pre-emption right, or of a pre-emption right only, such certificate shall not of itself be considered as conclusive proof of the title of the person holding the same, but the opposite party, by or against whom such caveat may have been entered, shall be allowed to adduce any testimony proving that such certificate was granted contrary to law, or in any manner invalidating the said certificate. *Provided always*, That any magistrate, or officer belonging to the court, granting such certificate as aforesaid, and, who was present at the time of granting the same, may be admitted as a witness for either party to prove on what testimony such certificate was granted.

CHAP. IV.

An Act to amend the Act concerning Pensioners.

[Acts of 1785, ch. 44, pa. 32.]

1 WHEREAS the United States in congress assembled, have by their act of the seventh of June last, recommended to the several states to make provision for officers, soldiers, and seamen, who have been disabled in the service of the said United States, in a certain manner in the said act described, and it is expedient and necessary that the same be adopted and carried into effect within this commonwealth; and also, it is found that the laws now in force concerning pensioners, are very defective:

2. *Be it therefore enacted by the General Assembly*, That the auditors of public accounts be, and they are hereby authorised and directed, to make out in a book to be kept for that purpose, on the first day of January, in every year hereafter, a complete list of all officers, soldiers, and seamen, who having served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in such service, who now are or hereafter may be on the pension list. In this list shall be expressed the pay, age, and disability of each invalid; also, the regiment, corps, or ship, to which he belonged, together with the changes which may happen, from year to year. A copy of this list shall annually, as soon as may be, after the day abovementioned, be transmitted to the executive, who shall transmit a duplicate thereof to the secretary at war, as directed by the act of congress aforesaid.

3. *And be it further enacted*, That no officer, soldier, or seaman, who has been disabled in the service of the United States, or of this commonwealth, shall, after the passing of this act, be considered as an invalid, or entitled to a pension, unless he is so disabled as to be incapable of military duty, or of obtaining a livelihood by labour, and can produce a certificate from the commanding officer, or surgeon, of the regiment, ship, corps, or company in which he served, or from a physician or surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in service. All commissioned officers within the aforesaid description, disabled in the service of the United States, or of this commonwealth, in the army, navy, or militia, so as to be wholly incapable of military duty, or of obtaining a livelihood, shall be allowed a yearly pension, equal to half of their pay, respectively; and all commissioned officers, as aforesaid, who shall not have been disabled in so great a degree, shall be allowed a yearly pension, which shall correspond with the degree of their disability, compared with that of an officer wholly disabled. All non-commissioned officers and privates, within the aforesaid description, disabled in either service, as aforesaid, so as to be wholly incapable of military duty, or of obtaining a livelihood by labour, shall be allowed a sum not exceeding five dollars per month; and all non-commissioned officers and privates, who shall not have been disabled in so great a degree, shall be allowed such a sum as shall correspond with the degree of their disability, compared with that of a non-commissioned officer or private wholly disabled.

4. *And be it further enacted*, That the governor, with advice of council, be, and he is hereby authorised and directed, to examine all claimants of pensions, as aforesaid, and upon finding any person to be an invalid, and that he was disabled while in service, to give him a certificate thereof, specifying the regiment, corps, or ship or other vessel, to which he belonged, and whether he was in the service of the United States, or of this commonwealth, when disabled, together with the degree of disability, and the pay to which he is entitled; a duplicate of which certificate, shall be transmitted to the auditors of public accounts, who shall thereupon enter such invalid on the pension list as heretofore. And in case of any claimants being so disabled or remote from the seat of government, as to render a personal attendance there too burthensome and inconvenient, the executive shall, upon satisfactory proof thereof, and having sufficient evidence in their opinion, on which to found any certificate directed by this act to be given, grant such certificate, notwithstanding the non-attendance of the claimant.

5. *And be it further enacted*, That the auditors shall, annually, before the last day of March, transmit to the clerks of the several counties in this state, a general list of pensioners; and every pensioner shall, annually, in May* or June*, apply in person, or if an orphan, by his or her guardian, to the court of the county wherein he or she resides, and exhibit the certificate upon which his or her claim is founded, and make oath that he or she is the person to whom it was given; or where such person shall be unable to attend, he or she shall make the like oath before a magistrate; and the court upon comparing the certificate with the list transmitted from the auditors, and finding it to be right, shall order it to be recorded, and direct the sheriff to pay the pension; a copy of which order shall be given the pensioner: whereupon the sheriff shall make payment thereof, and take a receipt upon the said order, and be entitled to credit for the same in the settlement of his account with the auditors. And to the end, that all invalids who have heretofore been put on the pension list, may regularly have certificates thereof, and be enabled to conform to the regulations in this act prescribed,

6. *Be it enacted*, That every such invalid having a certificate, such as is above directed, shall apply to the governor, who, upon examination, and finding the same to be true, shall affix his counter signature thereto; or having no such certificate, shall in like manner make application and obtain one, specifying when he was put on the pension list.

7. *And be it further enacted*, That the executive shall be, and they are hereby authorised, to grant certificates for admission to the pension list, with such allowances as to them shall seem just, the widows and orphans of all officers, soldiers, and seamen, who died in the service of the United States, or of this commonwealth, in the army, navy, or militia, upon certificates from the court of the county in which they reside respectively, of their being widows or orphans of such officers, soldiers, or seamen, as the case may be: *Provided*, That no such allowances shall be made except indigency of circumstances shall render the same necessary. And to the end, that all invalids, widows and orphans who now are or hereafter may

* Altered to February and April, by act of 1786, ch. 18, pa. 17.

be on the pension list, may from time to time have their several allowances, adapted to the degrees of disability of the former, and necessities of the two latter, or dismissed from the said list, when such allowances become no longer requisite;

8. *Be it enacted*, That all pensioners shall undergo a re-examination, whenever the governor, with advice of council, shall direct; and upon any such re-examination, the executive are hereby authorised and required, to order the allowance of the pensioner to be raised or reduced according to his or her real situation: or in case the allowance shall appear to be no longer necessary, in any degree, to order such pensioner to be struck off from the list altogether.

9. *And be it further enacted*, That the auditors shall make up accounts of all payments which have been or hereafter may be made to invalids for their pensions, to the end of the present year, and ought, according to the principles of this act, to be charged to the United States, and that they charge the same against the quotas of the respective years for which such payments may have been made; and all payments of such pensions for any succeeding year, shall be charged in like manner: *Provided*, That no greater sum than half the pay of any officer shall be charged to the account of the United States. Every act or resolution of assembly concerning any matter or thing coming within the purview of this act, shall be, and the same is hereby repealed.

CHAP. V.

An Act to amend the Act, entituled an Act to amend the Act concerning Pensioners.

[Acts of 1786, ch. 18, pa. 17.]

1 BE *it enacted by the General Assembly*, That from and after the passing of this act, the auditor of public accounts shall annually before the last day of January, transmit to the clerks of the several counties within this commonwealth, a general list of pensioners; and every pensioner shall annually in February or April, apply in person, or if an orphan, by his or her guardian, to the court of the county wherein he or she resides, and exhibit the certificate upon which his or her claim is founded, and make oath that he or she is the person to whom it was given; or where such person shall be unable to attend, he or she shall make the like oath before a magistrate, and the court, upon comparing the certificate with the list transmitted from the auditor, and finding it to be right, shall order it to be recorded, and direct the sheriff to pay the pension; a copy of which order shall be given to the pensioner: whereupon the sheriff shall make payment thereof, and take a receipt on the said order, and be entitled to credit for the same in the settlement of his accounts with the auditor.

2. So much of the above recited act, as comes within the purview of this act, shall be, and the same is hereby repealed.

CHAP VI.

An Act for completing the Revision of the Laws.

[Acts of 1786, ch. 115, pa. 54.]

1 FOR completing the revision of the laws, *Be it enacted by the General Assembly*, That a committee, to consist of three persons, shall be appointed by joint ballot of both houses (two of whom to be a quorum) who shall take into consideration such of the bills contained in the revisal of the laws prepared and reported by the committee appointed for that purpose, in the year one thousand seven hundred and seventy-six, as have not been enacted into laws; shall examine what alterations therein may be rendered necessary, by a change of circumstances or otherwise, and shall make report thereupon to the next meeting of the general assembly, as the said committee shall judge proper,

2. *And be it enacted*, That the said committee shall also take into consideration, all acts of assembly passed since the revisal aforesaid was prepared, and shall have full power and authority to revise, alter, amend, repeal or introduce, all or any of the said laws, to form the same into bills, and report them to the general assembly. And to prevent any delay which may happen in the proceedings of the said committee, by the death or disability of any member thereof;

3. *Be it enacted*, That if either of the said members should die, refuse to act, or be disabled by sickness, from proceeding in the said work, it shall be lawful for the remaining members to appoint some other person in his stead, which person so appointed is hereby declared a member of the said committee, in like manner as if he had originally been appointed by joint ballot of both houses,

4. *And be it enacted*, That the said committee shall have power to meet at such times and places as they shall think proper, for the purposes aforesaid; to appoint a clerk for their ease and assistance; and to send for any copies of records to the clerk in whose custody they are, which such clerk is hereby directed forthwith to transmit to them. *Provided*, That such bills to be prepared and reported by the committee to be appointed as aforesaid, shall be of no force or authority until they shall have gone through their several readings in both houses of assembly, and been passed by them in such manner and form, as if the same had been originally introduced without the direction of this act,

5. And that the operation of each and all of the acts passed at the present general assembly, of the following titles, to wit, "an act forbidding and punishing affrays—an act for licensing counsel attornies at law and proctors—an act against conspirators —an act concerning partitions and joint rights and obligations— an act for recovering demands of a small value in a summary way —an act providing that an infant may sue by his next friend—an act for speedy recovery of money due from certain persons to the public—an act providing that actions popular prosecuted by collusion shall be no bar to those which be pursued with good faith— an act for preventing vexatious and malicious prosecutions, and moderating amercements—an act concerning treasons, felonies,

and other offences committed out of the jurisdiction of this commonwealth—an act for punishing disturbers of religious worship and sabbath breakers—an act prescribing the punishment of those who sell unwholesome meat or drink—an act to encourage the apprehenders of horse stealers—an act declaring when the death of persons absenting themselves shall be presumed—an act for reforming the method of proceeding in writs of right—an act directing the method of trying slaves charged with treason or felony—an act for the suppression and punishment of riots, routs, and unlawful assemblies—an act to punish bribery and extortion—an act against conveying or taking pretensed titles—an act prescribing the method of protesting inland bills of exchange, and allowing assignees of obligations to bring actions thereupon in their own names—an act providing a mean to help and speed poor persons in their suits—an act against usury—an act directing the method of proceeding against and trying free persons charged with certain crimes"—shall be suspended until the first day of July next.

6. *And be it enacted*, That the act passed at the last session of general assembly, entituled "an act concerning escheators," being rendered superfluous by the subsequent passage of an act, entituled "an act to extend the operation of an act, entituled "an act concerning escheators," to the several counties in the Northern Neck, shall be, and the same is hereby repealed.

CHAP. VII.

*An Act for establishing a Marine Hospital, for the reception of aged and disabled Seamen.**

[Passed December 20th, 1787.—Acts of 1787, ch. 14, pa. 18.]

1 WHEREAS the tax imposed on seamen hath produced a fund sufficient for the purpose of erecting a hospital for the reception of aged, sick, and disabled seamen, and it is just and proper that the same should be applied to the laudable purpose for which it was originally intended.

2. *Be it therefore enacted by the General Assembly*, That the governor with the advice of council, shall, and he is hereby authorised to appoint seven commissioners for the purpose of erecting a hospital for the reception of aged, sick, and disabled seamen at Washington in the county of Norfolk. In case of the death, resignation, or refusal to act of any of the said commissioners, the governor with advice of council shall supply such vacancy. The commissioners so to be appointed are hereby empowered to purchase a piece or parcel of land in the said town of Washington, and to contract for the building thereon a commodious house or houses fit for the reception and accommodation of such aged, sick, and disabled seamen as they may from time to time think proper to admit into the same; to provide a surgeon, keeper, and matron to the said hospital, with necessary nurses for the assistance and relief of such poor seamen, and to provide all necessaries for their comfortable support and maintenance, and in general from time to time to make and ordain all such rules, orders, and regulations, for the better establishing and governing such

* See Rev. Code, vol. 1, ch. 178, pa. 327, an act for the support of the Marine Hospital.

hospital as to them shall seem necessary. The said commissioners shall, so soon as they have purchased the land, and contracted for the building of the necessary houses thereon, lay before the executive a clear statement of their proceedings, and an estimate of the expense attending the same, who shall thereupon direct the auditor of public accounts to grant a warrant upon the treasurer to the said commisioners for such sum or sums of money as shall be necessary for the completion of the same, which warrant shall be paid by the treasurer out of the marine fund. The said commissioners shall also once in every three months lay before the executive an account of all the expenses incurred in the support of the said hospital, and the same being examined and approved, the governor with the advice of council, shall direct the auditor of public accounts to grant a warrant in the manner before directed, which shall be paid by the treasurer out of the same fund. The commissioners shall continue in office during good behaviour, to be judged of by the executive, and in case any one of them shall be removed, the executive shall supply the vacancy occasioned thereby.

CHAP. VIII.

*An Act concerning Monies paid into the Public Loan Office, in payment of British Debts.**

[Passed January 3d, 1788.—Acts of 1787, ch. 36, pa. 25.]

1 WHEREAS by an act of the general assembly entituled "an act for sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits where such subjects are parties,"(a) it is among other things provided, that it shall and may be lawful for any citizen of this commonwealth owing money to a subject of Great Britain, to pay the same or any part thereof from time to time as he shall think fit, into the said loan office, taking thereout a certificate for the same, in the name of the creditor, with an indorsement under the hand of the commissioner of the said office, expressing the name of the payer, and shall deliver such certificate to the governor and council, whose receipt shall discharge him from so much of the debt, and the governor and council shall in like manner lay before the general assembly, once in every year, an account of these certificates, specifying the names of the persons by and for whom they were paid, and shall see to the safe keeping of the same, subject to the future direction of the legislature.

2. And whereas it belongs not to the legislature to decide particular questions, of which the judiciary have cognizance, and it is therefore unfit for them to determine whether the payments so made into the loan office as aforesaid, be good or void between the creditor and debtor, but it is expedient to declare to what amount this commonwealth may be bound for the payments aforesaid, *Be it enacted and declared*, That this commonwealth shall, at no time nor on any event or contingency be liable to any person or persons whatsoever for any sum on account of the payments aforesaid, other than the value thereof when reduced by the scale of depreciation, established by one other act of the general assembly, entituled

* See an act for the re-payment of those monies. Rev. Code, vol. 1. pa. 363.
(a) Passed in October 1777. See Chan. Rev. pa. 64.

"an act directing the mode of adjusting and settling the payment of certain debts and contracts, and for other purposes," *(b)* with interest thereon at the rate of six per centum per annum; any law, usage, custom, or any adjudication or construction of the first recited act already made or hereafter to be made notwithstanding.

3. *Provided always*, That nothing herein contained shall be construed to affect or prejudice any process, plea or right, to which a citizen debtor would have been entitled against his creditor before the passing of this act, but that all courts of law and equity shall decide on such process, plea and right, in the same manner as if this act had never been made.

4. *Provided always, and be it further enacted*, That no question between debtor and creditor respecting any sum of money so paid into the public loan office, shall be brought before any court of this commonwealth, during the suspension of the act entituled "an act to repeal so much of all and every act or acts of assembly as prohibits the recovery of British debts.

(b) Passed in November 1781. See Chan. Rev. pa. 147.

CHAP. IX.

*An Act to Remedy Abuses in the manner of Selling Lands for the Payment of Public Taxes.**

(Passed January 7th, 1788.—Acts of 1787, ch. 42, pa. 32.)

1 WHEREAS the manner of selling land, as heretofore practised by the various sheriffs and collectors, for the payment of the public taxes due thereon, has in many instances, produced great oppression; for remedy whereof, in future, *Be it enacted*, That all sales of land for payment of taxes shall be on the premises, and any sale made thereof otherwise shall be void.

2. No sale shall be made of land for payment of taxes if other property sufficient belonging to the person chargeable with the land tax can be found in the county.

3. Before any sale shall take place of any land for payment of taxes, notice thereof shall be given at least eight weeks in the gazette of the public printer, and shall be advertised at the court house of the county where the land lies on the first day of two several courts previous to such sale, and proclamation shall also be made thereof at the door of the courthouse, on the said days, between the hours of twelve and four.

4. All sales of land so made shall be conducted by the high sheriff, where the sheriff has entered into bond for the collection of the taxes. And if any other person hath been or shall be appointed by the court to collect the taxes, the sales of land made to discharge the taxes shall be conducted by the said collector and not by a deputy.

* Amended 1790, ch. 5, pa. 5.—See also, 1791, ch. 6, pa. 6.—1792, ch. 20, pa. 32.—Rev. Code, vol. 2, ch. 10.—Ibid ch. 20.

5. The said high sheriff or collector of taxes shall give to the commissioner of the land tax in his county at least thirty days notice previous to any sale of land as aforesaid, and the said commissioner shall attend the said sale for which he shall be allowed six shillings, to be paid by the person chargeable with such land tax: and if the land so offered for sale will not yield a price in the opinion of the said commissioner, equal to one half of the value thereof, taking for his guide, in estimating the value, the price at which such land is charged by the act for equallizing the land tax, and having regard to the quality of the particular part of the land so offered for sale, then the said commissioner shall bid for and purchase the said land on account of the public, and shall give to the sheriff or collector a certificate thereof, expressing therein the amount of taxes for which such land hath been sold, which certificate being by the said sheriff or collector paid to the treasurer, he shall have credit for the same in part of the land tax; and the person who was chargeable originally with the said land tax, may discharge the same and be entitled to all the estate he held in such land in as full and ample a manner as if the said sale had never been made: Provided payment be made of the said taxes, agreeable to the certificate of the commissioner, into the public treasury at any time within six months after such certificate shall be delivered to the treasurer together with twenty five per centum damages on the amount thereof; or if payment be made at any time, not less than six months, nor more than two years thereafter, the same may be discharged by payment of double the amount of the said certificate: But provided, payment shall not be made thereof within two years from the time that such certificate shall be paid to the treasurer, then and in that case the governor shall appoint such person or persons, as may to him with advice of council seem proper, to sell the said land and convey the same to the purchaser thereof, and to pay the amount of the debt due to the public, with the damages and expenses of sale in the first instance from the money arising from the sale thereof, and to pay the surplus, if any, to the person who may have been proprietor of the land at the time the commissioner of the taxes may become purchaser thereof on public account, or to the legal representative or representatives of such proprietor.

6. All sales of land for taxes, where the sheriff or collector, or any deputy sheriff or collector, or any person in trust for them or either of them, or in partnership with them or either of them, is the last bidder for such land, shall be considered as held in trust for the payment of the taxes for which such land is offered for sale, and may be redeemed by the proprietor thereof by payment of the taxes due thereon, and the charges of sale, with interest thereon at the rate of six per centum per annum, and ten per centum damages.

7. Provided always, That nothing herein contained shall be construed to authorise any commissioner to purchase any land on account of the public to a greater amount than the sum due to the public for the taxes thereof.

8. In all cases of landlord and tenant, wherein the tenant shall covenant for the payment of the taxes by law imposed upon the land by him tenanted, the property of every such tenant thereon being shall be liable to the payment thereof; and to ascertain the

same, the clerks of the several county courts shall, annually, before the first day of April, certify to the commissioners of the tax in his county an abstract of all deeds or leases for the tenancy of lands lying therein which shall have been recorded within twelve months last preceding, and the said commissioners shall enter the same in their return of taxable property for the guidance of the sheriff or collector.

9. So much of every act or acts of assembly as comes within the purview of this act shall be, and the same is hereby repealed.

10. *And be it further enacted*, That where any deed or conveyance for land lying within the district of Kentucky, hath been, or shall be recorded in the general court of this commonwealth, and the legal tax thereon shall have been paid, and the same deed or conveyance shall be transmitted with a certificate thereof to be recorded also in the said district, such deed or conveyance shall be admitted to record in any of the courts thereof, wherein the same ought by law to be recorded, without payment of any further tax thereon.

CHAP. X.

An Act for the Appointment of Electors to choose a President pursuant to the Constitution of Government for the United States.

[Passed November 17th 1788.—Acts of 1788; ch. 1, pa. 1.]

WHEREAS the United States in congress assembled, did, on the thirteenth day of September, in the year of our lord, one thousand seven hundred and eighty-eight, resolve that the first Wednesday in January next, be the day for appointing electors in the several states, which before the said day shall have ratified the new constitution of government for the United States; that the first Wednesday in February next, be the day for the electors to assemble in their respective states, and vote for a president; and that the first Wednesday in March next be the time, and the present seat of congress, the place for commencing proceedings under the said constitution: *Be it therefore enacted by the General Assembly*, That for the purpose of choosing twelve electors on behalf of this state, to vote for a president in conformity to the constitution of government for the United States, the several counties in this commonwealth shall be allotted into twelve districts, in manner following, to wit: The counties of Amelia, Powhatan, Chesterfield, Cumberland, Brunswick, Greensville, Lunenburg, and Mecklenburg, shall compose one district: The counties of Henrico, Goochland, Louisa, Charles City, James City, and New-Kent, shall compose another district: The counties of Botetourt, Washington, Montgomery, Greenbrier, Augusta, Rockingham, Rockbridge, Russell, Shenandoah, Pendleton, and the district of Kentucky, shall compose another district: The counties of King & Queen, King William, Essex, Caroline, and Hanover, shall compose another district: The counties of Prince William, Fairfax, Loudoun, and Fauquier, shall compose another district: The counties of Westmoreland, King George, Stafford, Lancaster, Richmond, and Northumberland, shall compose another district: The counties of Hampshire, Frederick, Berkeley,

Monongalia, Ohio, Hardy, Harrison, and Randolph, shall compose another district: The counties of Norfolk, Nansemond, Accomack, Northampton, and Princess-Anne, shall compose another district: The counties of Sussex, Isle of Wight, Surry, Prince George, Dinwiddie, and Southampton, shall compose another district: The counties of Campbell, Pittsylvania, Charlotte, Halifax, Prince Edward, Bedford, Franklin, and Henry, shall compose another district: The counties of Albemarle, Amherst, Fluvannah, Spotsylvania, Orange, Culpeper, and Buckingham, shall compose another district: And the counties of York, Gloucester, Elizabeth City, Warwick, and Middlesex, shall compose another district:

2. That the persons qualified by law to vote for members to the general assembly, in each county composing a district, shall assemble at their respective courthouses on the first Wednesday in January next, and then and there vote for some discreet and proper person, being a freeholder, and bona fide resident in such district for twelve months, as an elector for such district, to vote for a president of the United States, in conformity to the said constitution.

3. The high sheriff of each county, or in case of his sickness or inability to attend, one of the deputy sheriffs, being first duly sworn by a magistrate of the county to act impartially, and a certificate of the taking such oath under the hand of the magistrate delivered to him, shall conduct the said election, at which no determination shall be had by view, but each person qualified to vote, shall fairly and publicly poll, and the name of the voter shall be duly entered under the name of the person voted for in proper poll books to be provided by the sheriff; for which purpose the said sheriff shall appoint so many writers as he shall think fit, who shall respectively take an oath, to be administered by him, or make solemn affirmation, that they will take the poll faithfully and impartially. He shall deliver a poll book to each writer, who shall enter in distinct columns, under the name of the person voted for, the name of each voter, voting for such person. Like proclamation and proceeding shall be had for continuing and closing the poll in each county of a district as is prescribed by law, in the election of members to the general assembly and proclamation shall also be made at the courthouse door of the person having the greatest number of votes on the poll at the closing thereof.

4. Each voter shall be entitled to the same privilege from arrests, and be subject to the like penalty and forfeiture for failing to attend and vote at such election, as prescribed by law in the election of members to the general assembly, such failure to attend to be discovered and proceeded on in like manner and under the same penalties as is by law prescribed against such failures in the election of members to the general assembly. Immediately after each election in a county, the clerks of the polls having first signed the same, and made oath to the truth thereof (a certificate of which oath under the hand of a magistrate of the county shall be subjoined to each poll) shall deliver the same to the sheriff who conducted the election, and such sheriff, together with the respective sheriffs who conducted the poll of the several counties in the district, except in case of the disability or sickness of such sheriff, then any

other sheriff of the county in which such sickness or disability may happen, shall within seven days assemble at the courthouse of the county first named in such district, and then and there compare the polls respectively taken at the election in their several counties, and having ascertained by faithful addition and comparison of the numbers on the respective polls, the person having the greatest number of votes upon the whole, giving their own votes in any case of the two foremost on such poll having an equal number of votes, shall proceed to certify such elections under their hands and seals in manner and form following, to wit.

" We, A. B. sheriff of————county (or deputy sheriff as the " case may be,) C. D. sheriff of————county, (and so on recit- " ing the name of the sheriff, and whether principal or deputy of " each county in the district) composing one entire district entitled " by law to appoint an elector to vote for a president of the United " States, do hereby certify and make known, that at an election " held on————at the courthouse of our respective counties pur- " suant to law, the voters qualified to vote for an elector to choose " a president of the United States, caused to be chosen one per- " son, to wit: G. H. to represent the said district as an elector to " vote for a president of the United States. Given under our " hands and seals, this————day of————, one thousand " seven hundred and eighty————."

Two fair duplicates of such certificate and return shall be made by the said sheriffs under their hands and seals, in the manner before recited, one of which shall be delivered to the person elected to represent the district, and the other shall be transmitted to the governor and council within twelve days, under the penalty of one hundred pounds, upon each sheriff holding such election, in case of failure herein, to be recovered by motion in any court of record, by the solicitor general, to the use of the commonwealth. And the governor and council shall thereupon advertise, in the public gazette, the names of the persons so elected, who shall assemble in the city of Richmond on the first Wednesday in February next, and proceed pursuant to the resolution of the federal convention, of the seventeenth of September, in the year of our lord, one thousand seven hundred and eighty-seven, and the provisions, in the constitution of government for the United States, to vote for a president.

5. Each elector chosen pursuant to this act, and failing to attend and vote for a president at the time and place herein directed, and moreover to send and certify the same in manner directed by the constitution of government, shall, except in cases of sickness or any other unavoidable accidents, forfeit and pay two hundred pounds, to be recovered by the solicitor general, to the use of the commonwealth, by action of debt, bill, plaint or information, in any court of record.

6. The said sheriffs shall under the penalty of fifty pounds, to be recovered on motion by the solicitor general, to the use of the commonwealth, in manner aforesaid, deliver to the clerks of their respective counties, within ten days after making their returns as aforesaid, the original poll books, to be by such clerk entered of

record, under the like penalty for failure as for failing to record the poll books taken at the election of members to the general assembly, and recoverable in like manner.

7. Any sheriff or deputy sheriff refusing to take the poll, when he shall be required by a candidate or person qualified to vote for persons to the general assembly, or taking it in other manner than is herein before prescribed, or making or signing a false certificate or return of election, as herein before directed, or making any erasure or alteration in the poll books, or refusing to suffer any candidate or person qualified to vote, at his own expense to take a copy of the poll books, shall forfeit and pay one hundred pounds, which penalties may be recovered with costs in action of debt, by any person who will sue for the same; one half to his own use, and the other half to the use of the commonwealth.

8. Any candidate or other person in his behalf who shall directly or indirectly give or agree to give any voter or pretended voter, money, meat, drink, or other reward, in order to be elected or for having been elected, shall forfeit and pay five hundred pounds for each offence, to be recovered with costs by action of debt, to the use of any person who will prosecute for the same.

9. *And be it further enacted*, That the electors, so appointed to choose a president, shall be allowed for their travelling expenses, five pence per mile, and ferriages, and for their daily attendance ten shillings, and be entitled to the same privileges from arrests as members to the general assembly.

10. *Provided always, and be it further enacted*, That the fines and penalties hereby imposed upon sheriffs failing to perform any of the duties prescribed by this act, are declared not to extend to the sheriffs within the district of Kentucky; but such sheriffs shall proceed to execute the same under the best circumstances which the promulgation of this act will admit of.

CHAP. XI.

An Act for the Election of Representatives pursuant to the Constitution of Government of the United States.

[Passed November 20th, 1788.—Acts of 1788, ch. 2, pa. 4.]

1 WHEREAS the United States in congress assembled, did, on the thirteenth day of September, one thousand seven hundred and eighty-eight, resolve, that the first Wednesday in January next, be the day for appointing electors in the several states, which before the said day shall have ratified the new constitution of government for the United States; that the first Wednesday in February next be the day for the electors to assemble in their respective states, and vote for a president; and that the first Wednesday in March next be the time, and the present seat of congress the place, for commencing proceedings under the said constitution. And whereas, it is provided by the said constitution, that until the enumeration therein directed shall be taken, Virginia shall be entitled to ten members in the house of representatives, and that the times, places, and manner of holding elections for the same, shall be prescribed by the Legislature: *Be it therefore*

enacted by the general assembly, That the counties within this commonwealth, shall be divided into ten districts, in manner following, to wit: The counties of Hampshire, Berkeley, Shenandoah, Hardy, Monongalia, Ohio, Randolph, Harrison, and Frederick, shall compose one district: The counties of Mercer, Jefferson, Fayette, Bourbon, Lincoln, Nelson, and Madison, shall compose another district: The counties of Botetourt, Rockbridge, Montgomery, Greenbrier, Washington, Augusta, Russell, Rockingham, and Pendleton, shall compose another district: The counties of Prince William, Stafford, Loudoun, Fairfax, King George, and Fauquier, shall compose another district: The counties of Albemarle, Amherst, Fluvanna, Goochland, Louisa, Spotsylvania, Orange, and Culpeper, shall compose another district: The counties of Campbell, Charlotte, Buckingham, Bedford, Prince Edward, Franklin, Henry, Pittsylvania, and Halifax, shall compose another district: The counties of Essex, Richmond, Westmoreland, Northumberland, Lancaster, Gloucester, Middlesex, King & Queen, King William, and Caroline, shall compose another district: The counties of Norfolk, Accomack, Northampton, Princess Anne, Nansemond, Isle of Wight, Surry, and Southampton, shall compose another district: The counties of Brunswick, Sussex, Greensville, Prince George, Dinwiddie, Mecklenburg, Lunenburg, Amelia, Cumberland, and Powhatan, shall compose another district: And the counties of New-Kent, Elizabeth City, Warwick, York, Charles City, Chesterfield, Henrico, Hanover, and James City, shall compose another district.

2. That the persons qualified by law to vote for members to the house of delegates, in each county composing a district, shall assemble at their respective county courthouses on the second day in February next, and then and there vote for some discreet and proper person, being a freeholder, and who shall have been a *bona fide* resident for twelve months within such district, as a member to the house of representatives for the United States. The high sheriff of each county, or, in case of his sickness or inability to attend, one of the deputy sheriffs, being first duly sworn by a magistrate of the county, to act impartially, and a certificate of the taking such oath, under the hand of the magistrate delivered to him, shall conduct the said election, at which no determination shall be had by view, but each person, qualified to vote, shall fairly and publicly poll, and the name of the voter shall be duly entered under the name of the person voted for, in proper poll books, to be provided by the sheriff, for which purpose the said sheriff shall appoint so many writers as he shall think fit, who shall respectively take an oath, to be administered by him, or make solemn affirmation, that they will take the poll faithfully and impartially. He shall deliver a poll book to each writer, who shall enter in distinct columns under the name of the person voted for, the name of each elector voting for such person: Like proclamation and proceeding shall be had for conducting, continuing and closing the poll in each county of a district, as is prescribed by law in the election of members to the general assembly, and proclamation shall also be made at the courthouse door, of the person having the greatest number of votes on the poll, at the closing thereof.

3. Each elector shall be entitled to the same privilege from

arrests, and be subject to the like penalty and forfeiture for failing to attend and vote at such election, as prescribed by law in the election of members to the general assembly; such failure to attend, to be discovered and proceeded on in like manner and under the same penalties, as is by law provided against such failures in the elections of members to the general assembly. Immediately after each election in a county, the clerks of the polls having first signed the same, and made oath to the truth thereof, (a certificate of which oath under the hand of a magistrate of the county, shall be subjoined to each poll) shall deliver the same to the sheriff who conducted the election, and such sheriff, together with the respective sheriffs who conducted the poll of the several counties in the district, but in case of sickness, death or other disability of the sheriff who shall have conducted the poll, then any other sheriff of the county in which such disability may happen, shall, within seven days, assemble at the courthouse of the county first named in such district, and then and there compare the polls respectively taken at the elections in their several counties, and having ascertained by faithful addition and comparison of the numbers on the respective polls, the person having the greatest number of votes upon the whole, giving their own votes in any case of the two foremost on such polls having an equal number of votes, shall proceed to certify such election under their hands and seals in manner and form following, to wit:

" We, A. B. sheriff of————county, (or deputy sheriff, as " the case may be,) C. D. sheriff of————county (and so on, " reciting the name of the sheriff, and whether principal or deputy " of each county in the district) composing one entire district, " entitled by law to elect a member to the house of representatives " of the United States, do hereby certify and make known, that " at an election held on————at the courthouse of our respec- " tive counties pursuant to law, the electors qualified to vote for " members to the house of delegates, caused to be chosen one " person, to wit, E. F. to represent the said district as a member " of the house of representatives of the United States. Given un- " der our hands and seals, this————day of————, one thou- " sand seven hundred and eighty————."

Two fair duplicates of such certificate and return, shall be made by the said sheriffs under their hands and seals in the manner before recited, one of which shall be delivered to the person elected to represent the district, and the other shall be transmitted to the governor and council within ten days, under penalty of one hundred pounds upon each sheriff, in case of failure or neglect herein, to be recovered by motion in any court of record by the solicitor general, to the use of the commonwealth. The said sheriffs shall also under like penalty and recovery deliver to the clerks of their respective counties, within ten days after such return, the original poll books, to be by such clerk entered of record, under the like penalty for failure, as for failing to record the poll books taken at the election of members to the general assembly, recoverable in like manner. It shall be the duty of the executive, to enclose to the congress of the United States, the certificates and returns of elections aforesaid, transmitted to them from the respective districts, without delay. Any sheriff or deputy sheriff refusing to

take the poll when he shall be required by a candidate or elector, or taking it in other manner than is herein before prescribed, or making or signing a false certificate or return of election, as herein before directed, or making any erasure or alteration in the poll books, or refusing to suffer any candidate or elector at his own expense to take a copy of the poll books, shall forfeit and pay two hundred pounds, which penalties may be recovered with costs in actions of debt, by any person who will sue for the same; one half to his own use, and the other half to the use of the commonwealth.

4. Any candidate or other person in his behalf, who shall directly or indirectly, give or agree to give any elector or pretended elector, money, meat, drink, or other reward, in order to be elected, or for having been elected, shall forfeit and pay five hundred pounds for each offence; to be recovered with costs by action of debt, to the use of any person who will sue for the same.

5. *And be it further enacted*, That the sheriffs of the respective counties, shall receive for their trouble and expense in conducting the said elections, the sum of ten shillings for the day on which they shall attend to compare the different polls, together with an allowance of ferriages, and three pence per mile for travelling to and from the county in which they shall meet for that purpose, to be paid in the same manner as the electors who are to vote for a president of the United States are paid.

6. *Provided always, and be it further enacted*, That the fines and penalties hereby imposed upon sheriffs, failing to perform any of the duties prescribed by this act, are declared not to extend to the sheriffs within the district of Kentucky; but such sheriffs shall proceed to execute the same, under the best circumstances which the promulgation of this act will admit of.

CHAP. XII.

An Act to repeal part of an Act, directing the Trial of Slaves committing capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, or Indians, bond or free.

[Passed November 21st, 1788.—Acts of 1788, ch. 23, pa. 13.]

BE *it enacted* That so much of an act, entitutled "an act directing the trial of slaves committing capital crimes, and "for the more effectual punishing conspiracies and insurrections "of them, and for the better government of negroes, mulattoes, "and Indians, bond or free," as declares, that "Where any "slave shall happen to die by reason of any stroke or blow during "his or her correction, by his or her owner, or by reason of any "accidental blow whatsoever given by such owner, no person "concerned in such correction or accidental homicide, shall be "liable to any prosecution or punishment for the same, unless "upon examination before the county court, it shall be proved "by the oath at least of one lawful and credible witness, that "such slave was killed wilfully, maliciously, or designedly; "and no person indicted for the murder of a slave, and upon trial "found guilty of manslaughter only, shall incur any forfeiture "or punishment for such offence or misfortune;" shall be, and the same is hereby repealed.

CHAP. XIII.

An Act concerning a new Edition of the Laws of this Commonwealth, reforming certain Rules of Legal Construction, and providing for the due Publication of the Laws and Resolutions of each Session.

[Passed November 18th, 1789.—Acts of 1789, ch. 9, ps. 6.]

Preamble.

1 WHEREAS the great number of the laws of this commonwealth, dispersed as they are through many different volumes, renders it often questionable, which of them are in force; copies of those laws are procured with difficulty, and only at high prices; and so many of them have been repealed, wholly or in part, were temporary and have expired; were occasional, and have had their effect; were private or local, or have been re-enacted in substance, in the laws, taken from the report of the revisors, appointed in the year of our lord one thousand seven hundred and seventy-six, that scarce a third of them concern the public at large.

Certain persons appointed to revise the laws—and to report to the General Assembly.

Be it enacted by the General Assembly, That James Mercer, Henry Tazewell, Joseph Prentis, Saint George Tucker, Edmond Randolph, James Innes, John Taylor and John Marshall, Esquires, be appointed, whose duty it shall be, first, to report to the next session of the general assembly, what English statutes, if any there be, are suited to this commonwealth, and shall not have been enacted in the form of Virginia laws; secondly, what laws or parts of laws, which are of a general concern, shall remain in force at the close of the present session of assembly; thirdly, what laws on the same subject, ought from their multiplicity to be reduced into single acts; and fourthly, what laws or parts of laws are either unfit to be continued in force, or unnecessary to be published in any code of the laws; fifthly, to prepare and report as aforesaid, marginal notes and a full index to all the laws of this commonwealth; sixthly, to note in due order of time and report as aforesaid, the titles of all those laws, which may be proper to be omitted, in a general compilation of the laws; and seventhly, to instruct the clerk of the house of delegates, as far as it may be in their power, how to obtain for the use of his office, copies of those laws, the rolls whereof are lost.

To prepare marginal notes and a full index to the laws.

Copies of those laws, the rolls whereof are lost, to be procured.

2. And for preventing many inconveniencies, which certain rules for the construction of laws have already occasioned, and may hereafter occasion:

A law repealed, not revived by repealing the law which repealed the first.

Be it further enacted by the General Assembly, That whensoever one law, which shall have repealed another, shall be itself repealed, the former law shall not be revived, without express words to that effect; every act passed during any stated annual session, shall commence in force on the first day of March then next ensuing, unless in the act itself, another day be particularly mentioned, for the commencement thereof.

When the acts passed at stated sessions to commence in force.

Rule of construing laws passed at the same session.

3. As often as a question shall arise, whether a law passed during any session, changes or repeals a former law, passed during the same session, the same construction shall be made, as would have been made, if the act entituled "an act concerning election of members of general assembly," had never been passed.

When this act commences in force.

4. This act shall commence and be in force on the fifteenth day of January, one thousand seven hundred and ninety.

CHAP. XIV.

An Act repealing a part of the Ordinance by which certain English Statutes were declared to be in Force within this Commonwealth.

[Passed November 25th, 1789.—Acts of 1789, ch. 17, pa. 11.]

Preamble.

1 WHEREAS by an ordinance of convention, entituled "an ordinance to enable the present magistrates and officers to continue the administration of justice and for settling the general mode of proceedings in criminal and other cases, till the same can be more amply provided for;" it is among other things enacted, that "all statutes or acts of parliament made in "aid of the common law, prior to the fourth year of the reign of "king James the first, and which are of a general nature, not "local to that kingdom, shall be the rule of decision, and shall be "considered as in full force, until the same shall be altered by "the legislative power of this colony;" and whereas the good people of this commonwealth may be ensnared by an ignorance of acts of parliament, which have never been published in any collection of the laws; and it has been thought adviseable by the general assembly during their present session, specially to enact such of the said statutes as to them appeared worthy of adoption, and did not already make a part of the public code of the laws of Virginia.

English statutes no longer to be in force in this state.

Be it enacted by the General Assembly, That so much of the above recited ordinance, as relates to any statute or act of parliament, shall be and is hereby repealed; and that no such statute or act shall have any force or authority within this commonwealth.

All rights arising under them and offences committed against them before the commencement of this act to remain in the same condition.

2. But all rights arising under any such statute or act, and all crimes and offences committed against the same, at any time before the commencement of this act, shall remain in the same condition in all respects, as if this act had never been made. This act shall commence in force on the first day of January, in the year one thousand seven hundred and ninety-one.

When this act commences in force.

CHAP. XV.

An Act to fix the Time of holding Elections for Representatives to Congress.

[Passed December 1st, 1789.—Acts of 1789, ch. 27, pa. 16.]

WHEREAS the act entituled, "an act for the election of representatives, pursuant to the constitution of government of the United States," is confined to the election of representatives holden on the second day of February, which was in the year of our lord one thousand seven hundred and eighty-nine.

Elections of Representatives in Congress when to be holden;

Be it enacted by the General Assembly, That the above recited act shall be extended to future elections, with the alterations and amendments following, that is to say: First, the election of representatives shall be holden on the first Monday in September, in the year one thousand seven hundred and ninety, and one thousand seven hundred and ninety-two, and in every second year thereafter; and the two years for which any future representative may serve, shall bear date from the second day of February in the year one thousand seven hundred and ninety-one, one thousand

Periods from which, future representatives are to serve;

Elections to supply vacancies, when and how to be holden.

seven hundred and ninety-three, and in every second year thereafter: Secondly, when the executive authority of this state, shall in pursuance of the constitution of the United States issue a writ of election to fill any vacancy happening in the representation thereof, the place and manner of holding such election, and all the rules and regulations relating thereto shall be the same, as are prescribed by the above recited act.

CHAP. XVI.

An Act concerning Invalid Pensioners.

[Passed December 19th, 1789.—Acts of 1789, ch. 41, pa. 24.]

Preamble.

WHEREAS it is provided by the act entituled, "an act to amend the act concerning pensioners," that the court of the county wherein the pensioner resides, shall compare the certificate upon which the claim is founded, with the list transmitted from the auditors, and finding it to be right, shall order it to be recorded and direct the sheriff to pay the pension. And whereas by an act of congress, entituled "an act providing for the payment of the invalid pensioners of the United States," it is enacted that the military pensions which have been granted and paid by the states respectively, in pursuance of the acts of the United States in congress assembled, to the invalids who were wounded and disabled during the late war, shall be continued and paid by the United States, from the fourth day of March, in the year one thousand seven hundred and eighty-nine, for the space of one year, under such regulations as the president of the United States may direct.

County courts not to direct the payment of pensions hereafter.

Be it therefore enacted by the General Assembly, That after the passing of this act, the courts of the several counties shall not direct the sheriffs thereof to pay any pension coming within the description of the above recited act of congress; and to prevent misconstruction, the executive shall cause to be forwarded to the said courts respectively, a list of such pensions as are provided for by congress in manner aforesaid, together with the regulations made by the president of the United States in the premises.

CHAP. XVII.

An Act to amend the act, entituled, an act to remedy abuses in the manner of selling Lands, for the Payment of Public Taxes.

[Passed December 27th, 1790.—Acts of 1790, ch. 5, pa. 5.]

Parts of certain acts repealed.

1 BE *it enacted by the General Assembly*, That so much of all and every act and acts as directs the sale of any lands for the payment of the tax thereon, shall be, and the same is hereby repealed.*

Duty of the sheriffs when the tax on land, cannot be collected:

2. *And be it further enacted*, That each sheriff or collector of the taxes within this commonwealth, shall at the time he returns a list of other insolvents, return a list of the lands within his county or corporation, where he cannot find effects within the same belonging to the owner or tenant thereof, sufficient to satisfy and pay the tax. And if the court shall be satisfied of the truth thereof, they shall admit the sheriff or collector to make oath thereto, and

Of the county courts.

* See Rev. Code, vol. 2, ch. 20, and notes subjoined.

direct the same to be certified to the auditor of public accounts, together with the names of the owners of each tract of land, and the place of his or her abode, where the court can obtain such information.

Of the Auditor.

3. The auditor shall credit the same in account for the land tax with such sheriff or collector. And where it shall appear to the auditor from the certificates of the county courts, or where he shall be satisfied from any other information that any person so chargeable with any of the said taxes resides, or hath any slaves or personal property in some other county of this commonwealth, than that in which such land may lie, he shall certify the amount of the land tax with which such person is or shall be chargeable to the sheriff or collector of the county in which such person may reside, or have slaves or personal property as the case may be, and shall debit such sheriff or collector with the amount of the taxes so transmitted to him, who may make distress for the same, and shall be accountable therefor in the like manner as for other taxes of his county.

Of the clerks of the county courts,

4. A list of these insolvents, with the amount of the tax due from them respectively, shall be furnished by the clerk of the court to the collector of the tax for the succeeding year, and he shall also transmit a copy thereof to the auditor of public accounts, who shall debit the sheriff or collector therewith, and such sheriff or collector shall distrain and account for the same in like manner as for other taxes. And in case the said taxes cannot be collected the succeeding year, the like return upon oath shall be made, as is herein before prescribed; and thereupon the treasurer shall cause to be inserted in the Virginia gazette, for three weeks successively, the names of such delinquents, with the quantity of land, the situation thereof, and the taxes due thereon.

And of the Treasurer.

When land shall be forfeited for non-payment of the taxes;

5. *And be it further enacted*, That in case the tax on any tract of land within this commonwealth shall not be paid for the space of three years, the right to such lands shall be lost, forfeited, and vested in the commonwealth; and it shall be lawful for any person to acquire a title to any land so forfeited, in the manner prescribed for acquiring titles to waste and unappropriated lands within this commonwealth, on the Eastern waters, by an act, entituled "an act to dispose of the waste and unappropriated lands in the commonwealth of Virginia, on the Eastern waters."

How a right thereto may be acquired.

Exception in favor of certain persons.

6. *Provided always*, That nothing herein contained shall affect the right of infants, femes covert, or non-compos mentis who shall be allowed three years to save the same from forfeiture after such disability be removed.

Tenant paying the tax to be credited in the rent

7. And where any tenant shall be distressed for the taxes due from the proprietor of the land, he shall have credit for the same against such proprietor out of the rents he may owe him, but this act shall not be construed to destroy or impair any contract, by which the tenant may be bound to pay the said land tax, or any part thereof.

Sheriffs collecting arrears to conform to this act.

8. *And be it further enacted*, That the sheriffs and collectors who have failed to complete their collections, shall conform to the rules and regulations prescribed by this act. Any law to the contrary thereof notwithstanding.

When this act commences.

9. This act shall commence and be in force on the first day of January, one thousand seven hundred and ninety-one.

CHAP. XVIII.

An Act to amend an Act, entituled "An Act concerning a new Edition of the Laws of this Commonwealth, reforming certain Rules of legal Construction, and providing for the due publication of the Laws and Resolutions of each Session.

[Passed December 23d, 1790.—Acts of 1790, ch. 20, pa. 11.]

Preamble.

1 WHEREAS an act passed at the last session of the general assembly, entituled "an act concerning a new Edition of the laws of this commonwealth, reforming certain rules of legal construction, and providing for the due publication of the laws and resolutions of each session," so far as it relates to the new edition of the laws, has not been carried into effect, and it is thought expedient, that the same should be revised and amended: *Be it therefore enacted by the General Assembly*, That six gentlemen be appointed, whose duty it shall be, First, to prepare bills upon the subject of such British statutes, if any there be, which are suited to this commonwealth, and have not been enacted in the form of Virginia laws: Secondly, to report what laws or parts of laws, which are of a general concern, shall remain in force at the close of the next session of the general assembly: Thirdly, to prepare bills upon the subject of such laws, as from their multiplicity ought to be reduced into single acts: Fourthly, to report what laws or parts of laws are either unfit to be continued in force, or unnecessary to be published in any code of the laws: Fifthly, to note in due order of time and report the titles of all laws which may be proper to be omitted in a general compilation of the laws: Sixthly, to instruct the clerk of the house of delegates, as far as it may be in their power, how to obtain for the use of his office, copies of those laws, the rolls whereof are lost.

Revisors appointed; Their duty.

Compensation for their services;

2. *And be it further enacted*, That the sum of one thousand pounds shall be paid to and divided between the said gentlemen, or so many of them as shall carry the said work into effect in equal proportions.

Their report, when to be made.

3. *And be it further enacted*, That the said revisors shall make report of their proceedings to the next session of the general assembly, and that an act passed at the last session, entituled "an act repealing part of an ordinance by which certain English statutes were declared to be in force within this commonwealth," shall be and the same is hereby continued, until the general assembly shall have acted thereon.

Names of revisors;

4. *And be it further enacted*, That the following gentlemen, viz. Edmund Pendleton, Henry Tazewell, St. George Tucker, Joseph Prentis, Arthur Lee, and William Nelson, jun. shall and they are hereby appointed to carry into execution the duties above ascertained, and the executive are hereby authorised in case of the death, disability, or non-acceptance of all or either of the above named gentlemen, to supply such vacancy or vacancies if necessary to the completion of the work.

Vacancies how to be supplied.

CHAP. XIX.

An Act authorising the Sale of the Marine Hospital.

[Passed December 24th, 1790.—Acts of 1790, ch. 38, pa. 24.]

Marine Hospital to be sold.

1 BE *it enacted by the General Assembly*, That the commissioners appointed by the executive, under the act, entituled, "an act for establishing a Marine Hospital for the reception of aged and disabled seamen," or a majority of them, shall and they are hereby authorised and impowered to dispose of the said Marine Hospital to the congress of the United States, for the purposes of its original institution.

Purchase money how to be applied.

2. The money arising from the sale thereof, the said commissioners or a majority of them, shall apply to the discharge of their contract for erecting the said building, and the residue (if any) shall be divided by the said commissioners, or a majority of them, between the towns of Norfolk and Portsmouth. One moiety shall be paid to the chamberlain of the borough of Norfolk, to be applied by the mayor, recorder, and aldermen, of the said borough of Norfolk, to the support of the academy erected in the said borough, and the other moiety to John Kearnes, Willis Wilson, John Nevison, Richard Blow, Samuel Davis, John Cowper, jun. and James Young, gentlemen trustees, to be by them applied to the purpose of erecting a school in the town of Portsmouth, for the education of orphan children.

Conveyance to be made by the Executive.

3. The executive shall, on application from the commissioners of the Marine Hospital, or a majority of them, convey the same, for the purpose of its original institution, to the congress of the United States in like manner as the two acres of land appropriated for a light house was conveyed.

When this act commences.

4. This act shall commence and be in force from the passing thereof.

CHAP. XX.

An Act for the relief of Sheriffs in certain cases.

[Passed December 15th, 1791.—Acts of 1791, ch. 5, pa. 5.]

Sheriffs empowered to sell lands where they have paid the taxes thereon.

1 BE *it enacted by the General Assembly*, That where any sheriff or collector of the public revenue, shall make it appear to the court of his county, by receipt from the auditor of public accounts, that he had paid into the public treasury the full amount of the taxes he was bound to collect before the passing of an act of the last session of assembly, entituled "an act to amend the act, entituled "an act to remedy abuses in the manner of selling lands for the payment of public taxes;" and also produce to the court satisfactory proof that he has not received the taxes, for which he has accounted, on lands within his county belonging to persons who have no other property on which the said taxes can be levied, it shall and may be lawful for the court to authorise and direct the said sheriff or collector to sell, after due notice given, for ready money, the said lands or so much of them as will discharge the taxes due on them respectively as aforesaid, together with the expenses of notice and sale. *Provided nevertheless*, that if any of the said lands will not sell for three-fourths of their value in the opinion of the commissioners of the land tax, the same shall be

Sales, how to be conducted.

sold at six months credit, the purchaser giving bond with good security for payment with interest to such sheriff or collector, which bond may and shall be of the same force, have the same effect, and be proceeded on in the same manner, as bonds taken on distress for rent.

Commencement and duration of the act.

2. This act shall commence and be in force from the passing thereof, and shall continue in force for the term of two years, and no longer.

CHAP. XXI.

*An Act authorising the Executive to direct the Sheriffs to sell certain Lands the property of this Commonwealth.**

[Passed December 20th, 1791.—Acts of 1791, ch. 6, pa. 6.]

The Executive to send to the sheriffs lists of land purchased by the public for the non-payment of taxes.

1 BE *it enacted*, That the governor, with the advice of council, is hereby authorised and empowered to transmit from time to time, to the several sheriffs in their respective counties, wherein the land belonging or which may belong to the commonwealth, may lie, and which became or will become the property of the said commonwealth by purchase, for taxes due under the revenue laws, and which land has not been or shall not be redeemed within the time limited by law, lists of all such lands as aforesaid, and the amount of taxes, costs and damages, for which the said land was subject, and demand a receipt therefor, from such sheriffs, which receipt shall be lodged in the auditor's office, have the force of a bond, and be entered in a book to be kept for that purpose.

The sheriffs to sell the said lands,

2. The said sheriffs on the receipt of the lists aforesaid, *shall* proceed without delay, to advertise the said lands for sale, giving as full a description of all the said land in his county, as he *shall* be able to obtain, and after advertising as aforesaid, two months on one or more court days in each month, at the door of the court-house of his county, and at such other public places as he may think necessary, sell the said land, within the term of three months from the receipt of the said lists, at the times and places notified, for the best price to be got in ready money, unless the owner, his agent or friend, shall on or before the day of sale, pay up the full amount of the taxes and damages for which such land is now chargeable, and five per centum as a commission to the said sheriff: And in case of payment as aforesaid, the said sheriff shall release such land, by certificate under his hand and seal, duly attested by three respectable witnesses, that the public demands as aforesaid on the said land are satisfied, and in every such case, he shall return a copy of the said certificate to the auditor, and shall also make true return of every sale or sales, and account for and pay the amount thereof into the public treasury, within two months after the last sale made, deducting therefrom a commission of five per centum only, and the necessary charges, under the same penalties as are by law inflicted for failure to make payment under the revenue law. And the auditor of public accounts shall have the same power and authority to call delinquent sheriffs herein to account, in the same manner, and have the same proceedings and remedies against them, as is had on bonds for the collection of the revenue.

unless the taxes and their commissions are paid on the day of sale;

and account for the money.

* Amended in 1792.—See acts of 1792, ch. 20, pa. 82, also Appendix to vol. 1, ch. 5, pa. 453, where the act is published.—See also, ch. 10, of this vol. an act to amend the several laws concerning executions against sheriffs, &c.—See act of 1787, ch. 42, pa. 32, amended by act of 1790, ch. 5, pa. 5.

3. *And be it further enacted*, That any sheriff refusing to receive the said list of lands, or to grant a receipt for the same, or failing to make due and faithful return of his proceedings, relative thereto, shall on proof thereof in any court of record within this commonwealth, on motion of the auditor of public accounts, forfeit and pay the sum of ten pounds, and costs: *Provided*, such sheriff has ten days previous notice of such motion. And the said motion may be repeated during the continuance of such failure, by the auditor, on giving new notice as aforesaid, until recovery be had of double the amount of arrearages due on the land, in such lists as may be put into his hands, with interest, damages and costs of such motion or motions. Penalty on sheriff refusing to receive the list, or failing to account for the money.

4. *And be it further enacted*, That any sheriff making sale of the lands as aforesaid, be authorised and required on payment of the purchase money being made to him, to convey the said land in fee, to the purchaser or purchasers by one or more deed or deeds as may be necessary, and that the proper expenses attending the surveying and laying off such land, shall be paid by the said sheriff, and be allowed to him in settlement of his account. Sheriffs to convey the land sold by them, and to be allowed the expense of surveying it.

5. *And be it further enacted*, That where any sheriff shall heretofore have been allowed in settlement with the treasurer for any survey of the lands aforesaid, and shall not have made the said survey, that he shall cause such survey to be made when required, at his own costs, or that it shall and may be lawful for the auditor of public accounts by himself or agent, to demand and receive the said allowance; and if it shall not be paid, he may recover the amount thereof by motion, with costs, in any court of record, on ten days previous notice to any such sheriff or sheriffs, or their securities; and the money so refunded, the auditor shall account for and pay into the treasury, on order from the executive, who shall previously examine and certify his account to be right. To survey the said land at their own expense, where they have been heretofore allowed for it, or to pay the amount thereof to the Auditor,

6. *And be it further enacted*, That whenever the lands shall be redeemed and released as aforesaid, on which no survey has been, and where the said allowance has been made to any sheriff, it shall be repaid to the owner of such land, and he shall have the same remedy against such sheriff and his securities, as is herein given to the auditor of public accounts. or to the party in case the land is redeemed.

7. This act shall commence and be in force from and after the passing thereof. Commencement of the act.

CHAP. XXII.

An Act for the Election of additional Representatives to the present Congress.

[Passed December 20th, 1791.—Acts of 1791, ch. 7, pa. 7.]

1 WHEREAS it is necessary that provision be made for the election of additional representatives to serve in congress until the fourth day of March, one thousand seven hundred and ninety-three; *Be it enacted by the General Assembly*, that on the second Tuesday in February next, an election shall be held for choosing one representative to congress for the counties of Accomack and Northampton, which shall compose one district; for the counties of Norfolk, Princess Ann, Nansemond, Isle of Wight, Surry, and Southampton, which shall compose another district; Preamble. Additional representatives to congress, when to be elected; arrangement of districts.

and for every other district, except the district of Kentucky, agreeably to the arrangement thereof made by the act, entituled "an act for the election of representatives pursuant to the constitution of government of the United States," one additional member shall be chosen: *Provided always*, That if this state shall be entitled to no more than nine additional members to congress, that then the counties of Accomack and Northampton, shall not of themselves form a district, but shall continue annexed to the counties of Norfolk, Princess Ann, Nansemond, Isle of Wight, Surry, and Southampton. *Provided also*, That if this state shall be entitled to eleven additional representatives, in that case, the counties of Berkeley, Frederick, and Shenandoah, shall form one district, and the counties of Monongalia, Ohio, Harrison, Hampshire, Hardy, Pendleton, and Randolph, shall compose another district.

Elections, how to be conducted.

2. *And be it further enacted*, That the said elections shall be conducted in the same manner and under the same rules and regulations, as are prescribed by an act of assembly, entituled, "an act for the election of representatives, pursuant to the constitution of government of the United States."

Repealing clause.

3. So much of every other act, as prescribes the time of electing representatives to serve in the congress of the United States, is hereby repealed.

Commencement of the act.

4. This act shall be in force from the passing thereof.

CHAP. XXIII.

An Act to amend and explain the Act, entituled "An Act to amend the Act, entituled, An Act concerning a New Edition of the Laws of this Commonwealth, reforming certain rules of Legal Construction, and providing for the due publication of the Laws and Resolutions of each Session."

[Passed November 3d, 1791.—Acts of 1791, ch. 15, pa. 10.]

Preamble.

1 WHEREAS by the third section of the act passed at the last session of assembly, entituled "an act to amend an act, entituled, an act concerning a new edition of the laws of this commonwealth, reforming certain rules of legal construction, and providing for the due publication of the laws and resolutions of each session," *It is enacted*, That the said revisors shall make report of their proceedings to the next session of the general assembly, and that an act passed at the last session, entituled "an act repealing part of an ordinance by which certain English statutes were declared to be in force within this commonwealth," shall be, and the same is hereby continued until the general assembly shall have acted thereon. And whereas doubts have arisen, whether by continuing the last recited act, the said ordinance was not repealed, and for removing such doubts, as well as to declare and explain the law thereon, *Be it enacted*, That so much of the said act as repeals a part of the ordinance by which certain English statutes were declared to be in force within this commonwealth, shall be deemed, taken, and considered to have been suspended, until the revisors shall make report of their proceedings, and the general assembly shall have acted thereon.

Part of an act of Assembly to be deemed to have been suspended.

2. *And be it further enacted*, That the said recited ordinance, so far as the same relates to the said statutes, shall continue to be in force. Part of an ordinance concerning the English statutes continued.

3. This act shall commence and be in force from the passage thereof.

TUESDAY, *the 1st of November*, 1791.

RESOLVED, That the executive be requested to procure fifteen hundred copies of the laws of the last session of congress, or a greater number if necessary, having regard to the number of the judges of the superior courts, magistrates, clerks, and attornies for the commonwealth; and that they be also requested to have the same number of the laws of each succeeding session of congress printed, and cause the same to be distributed amongst the several counties and corporations within this commonwealth, in the same manner as the laws of the general assembly.

November 5th, 1791.—Agreed to by the senate.

TUESDAY, *the 29th of November*, 1791.

MR. CORBIN reported, from the committee to whom was referred a letter from the revisors of the laws, stating a difference of opinion, as to the object of the legislature, with respect to that branch of their duty, which consists in "preparing bills upon the subject of such laws, as from their multiplicity ought to be reduced into single acts," that the committee had, according to order, had the same under their consideration, and had come to several resolutions thereupon, which he read in his place, and afterwards delivered in at the clerk's table, where the same were again twice read, and agreed to by the house, as followeth:

Resolved, That it is the opinion of this committee, that it was the intention of the legislature, in assigning the aforementioned duty to the revisors, that the several laws now existing on the same subject, should be consolidated into single bills, but that no new matter should be introduced into the system; the object of the act under which the said revisors were appointed, being to compile a new and concise edition, and not to form a new code of laws.

Resolved, That it is the opinion of this committee, that the revisors in examining the bills which have been drafted, ought to conform to this construction of the said act, and, that as soon as the revisal shall be completed, the executive be requested to order the public printer to print two hundred and fifty copies of the bills, under the direction of any two of the committee of revisors, two copies of which shall be transmitted by the executive to each county and borough within this commonwealth, for the use of the delegates, and one copy to each of the senators who may compose the next general assembly.

Resolved, That the revisors ought to be authorised and empowered to employ a clerk.

December 3d, 1791.—Agreed to by the senate.

☞ The first twelve articles proposed as amendments to the constitution of the United States, were adopted this session, by resolutions of the house of delegates and senate.—See resolutions at the end of acts 1791, and laws of the United States, vol. 4—Appendix, pa. 23.

CHAP XIV.

An Act for arranging the Counties of this Commonwealth, into Districts to Choose Representatives to Congress.

[Passed December 26th, 1792.—Acts of 1792, ch. 1, pa. 1.]

Arrangement of districts for the election of representatives in congress;

1 BE *it enacted by the General Assembly*, That the counties of this commonwealth shall be divided into nineteen districts, in manner following to wit:—The counties of Frederick and Berkely, shall compose one district: The counties of Augusta, Rockingham, Shenandoah, Rockbridge, and Bath, shall compose another district: The counties of Hampshire, Hardy, Pendleton, Randolph, Harrison, Monongalia, and Ohio, shall compose another district: The counties of Wythe, Greenbrier, Kanawha, Lee, Russell, Montgomery, Grayson, and Washington, shall compose another district: The counties of Franklin, Bedford, Botetourt, Henry, and Patrick, shall compose another district: The counties of Halifax, Pittsylvania, and Campbell, shall compose another district: The counties of Prince Edward, Charlotte, Buckingham, Cumberland, and Powhatan, shall compose another district: The counties of Brunswick, Mecklenburg, Lunenburg, and Greensville shall compose another district: The counties of Dinwiddie, Amelia, Nottoway, and Chesterfield, shall compose another district: The counties of Sussex, Southampton, Surry, and Prince George, shall compose another district: The counties of Norfolk, Princess Anne, Isle of Wight, and Nansemond, shall compose another district: The counties of York, Accomack, Northampton, Elizabeth City, Warwick, Gloucester, and Mathews, shall compose another district: The counties of Henrico, Hanover, New Kent, Charles City, and James City, shall compose another district: The counties of Albemarle, Amherst, Fluvanna, and Goochland, shall compose another district: The counties of Orange, Spottsylvania, Louisa, and that part of Culpeper, established as a county by the name of Madison, shall compose another district: The counties of King & Queen, King William, Essex, Middlesex, and Caroline, shall compose another district: The counties of Loudoun, Fairfax, and Prince William, shall compose another district: The county of Culpeper, as now divided, with the counties of Fauquier, and Stafford, shall compose another district: And the counties of Richmond, Westmoreland, King George, Lancaster, and Northumberland, shall compose another district.

Qualification of electors; Elections, when and where to be held;

2. *And be it further enacted*, That the persons qualified by law to vote for members to the house of delegates in each county and corporation composing a district, shall assemble at their respective county courthouses, on the third Monday in March next, and also on the third Monday in March in every second year thereafter, and then and there vote for some discreet and proper person, being a freeholder and resident within such district as a member of the house of representatives for the United States.

3. The high sheriff of each county, or in case of his sickness or inability to attend, one of the deputy sheriffs (except in such counties where there shall be no sheriff) shall conduct the said election, at which no determination shall be had by view, but each person qualified to vote, shall fairly and publicly poll, and the name of the voter shall be duly entered under the name of the person voted for, in proper poll books, to be provided by the officer conducting the election, for which purpose he shall appoint so many writers as he shall think fit, who shall respectively take an oath, to be administered by him, or make solemn affirmation, that they will take the poll fairly and impartially. He shall deliver a poll book to each writer, who shall enter in distinct columns under the name of the person voted for, the name of each elector voting for such person. Like proclamation and proceeding shall be had for conducting, continuing, and closing the poll in each county of a district, as is prescribed by law in the election of members to the general assembly; and proclamation shall also be made at the courthouse door, or place of holding such election of the person having the greatest number of votes on the poll on the closing thereof. Each elector shall be entitled to the same privilege from arrests, and be subject to the like penalty and forfeiture for failing to attend and vote at such election, as is prescribed by law, in the case of election of members to the general assembly. Such failure to attend to be discovered and proceeded on in like manner, and under the same penalties, as is by law provided against such failures in the election of members to the general assembly.

By whom; How to be conducted; Privilege of electors; Penalty for not voting;

4. Immediately after each election in a county, the clerks of the poll having first signed the same, shall deliver the same to the sheriff or other officer who conducted the election, and such sheriff or other officer, together with the respective sheriffs and other officers who conducted the poll of the several counties in the district, (but in case of sickness, death or other disability of the officer who shall have conducted the poll, then any other sheriff or officer of the county in which such disability may happen) shall, on the eighth day after the election, assemble at the courthouse of the county first named in such district, and then and there compare the polls respectively taken at the elections in their several counties, and having ascertained by faithful addition, and comparison of the numbers on the respective polls, the person having the greatest number of votes upon the whole, giving their own votes in any case of the two foremost on such poll, having an equal number of votes, shall proceed to certify such election under their hands and seals, in manner and form following, to wit:

Duties of the returning officers.

"We, A. B. sheriff of——county, (or deputy sheriff, as the case "may be,) C. D. sheriff of——county (as the case may be) and so "reciting the name of the sheriff or magistrate, and whether prin- "cipal or deputy of each county in the district, composing one "entire district entitled by law to elect a member to the house of "representatives of the United States, do hereby certify and make "known that at an election held on————at the place of holding "elections in our respective counties pursuant to law, the electors "qualified to vote for the member to the house of delegates, "caused to be chosen one person, to wit, G. H. to represent the

" said district as a member of the house of representatives for the " United States. Given under our hands and seals, this———— " day of————one thousand————hundred and

Two fair duplicates of such certificate and return shall be made by the said sheriffs and other officers under their hands and seals, in the manner before recited, one of which shall be delivered to the person elected to represent the district, and the other shall be transmitted to the governor and council, within twenty days, under the penalty of three hundred dollars upon each sheriff, or other officer, in case of failure or neglect herein; to be recovered by motion in any court of record, by the auditor of public accounts to the use of the commonwealth, on ten days previous notice of such motion.

Poll books to be recorded.

5. The said sheriffs and other officers, shall also under like penalty and recovery, deliver to the clerks of their respective counties, within ten days after such return, the original poll books, to be by such clerk entered of record under the like penalty for failure, as for failing to record the poll books taken at the election of members to the general assembly—and where a poll shall be taken in any county which shall not become so, until after the election, which shall first be holden in pursuance of this act, the officer conducting such election shall deliver the poll books by him kept, to the clerk of his county, as the same now stands, to be by him also recorded under the like penalty.

Certificates of elections to be transmitted to congress;

6. It shall be the duty of the executive to inclose to the congress of the United States, the certificates and returns of elections aforesaid, transmitted to them from the respective districts without delay.

Penalty on sheriffs for any neglect of duty;

7. Any sheriff or other officer, refusing to take the poll when he shall be required by a candidate or elector; or taking it in any other manner than is herein before prescribed; or making or signing a false certificate or return of election as herein before directed; or making any erasure or alteration in the poll book; or refusing to suffer any candidate or elector at his own expense to take a copy of the poll book, shall forfeit and pay six hundred dollars; which penalties may be recovered with costs, in actions of debt, by any person who will sue for the same; one half to his own use, and the other half to the use of the commonwealth.

Penalty for bribing electors;

8. Any candidate or other person in his behalf who shall directly or indirectly give or agree to give any elector or pretended elector, money, meat, drink, or other reward, in order to be elected or for having been elected, shall forfeit and pay fifteen hundred dollars for each offence, to be recovered with costs by action of debt, to the use of any person who will sue for the same.

Allowance to the sheriffs for their trouble and expences;

9. *And be it further enacted*, That the sheriffs and other officers, shall receive for their trouble and expense in conducting the said elections, one dollar and sixty-seven cents for the day on which they shall attend to compare the different polls, together with an allowance of ferriages, and four cents a mile for travelling to and from the county, in which they shall meet for that purpose, to be paid in the same manner as the electors, who are to vote for a president of the United States, are paid.

10. Until the counties of Madison, Grayson, and Lee shall take effect, elections of representatives for congress shall be holden at the places appointed by law for holding the first courts in such counties, and shall be conducted by the first magistrate of the said counties, or in case of sickness or other disability, the next in commission who shall attend the election, under the like regulations as elections are held in the other counties within this commonwealth. Elections in three new counties, how to be conducted;

11. *Provided*, That no person entitled to suffrage in pursuance of this act, shall during the same election, vote more than once for the same candidate, under the penalty of one hundred dollars, to be recovered by action of debt, in any court of record, by any person who will sue for the same. No elector to vote more than once for the same candidate.

12. So much of every other act, as prescribes the time of electing representatives to serve in the congress of the United States, shall be, and the same is hereby repealed. Repealing clause.

13. This act shall commence and be in force from and after the passing thereof. Commencement of the act.

CHAP. XXV.

An Act to amend an Act, entituled "An Act authorising the Executive to direct the Sheriffs to sell certain Lands the property of this Commonwealth.

[Passed November 24th, 1792.—Acts of 1792, ch. 20, pa. 82.]

Note.—This act is published in the appendix to vol. 1, ch. 5, pa. 453.

CHAP. XXVI.

*An Act repealing the Act, entituled "An Act providing a Sinking Fund for the gradual redemption of the Public Debt."**

[Passed December 7th, 1792.—Acts of 1792, ch. 21, pa. 82.]

1 BE *it enacted by the General Assembly*, That the act, entituled "an act providing a sinking fund for the gradual redemption of the public debt," shall be and the same is hereby repealed. Act establishing sinking fund repealed.

2. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

* See 1787, ch. 5, pa. 10.

CHAP. XXVII.

*An Act to repeal in part an Act, entituled "An Act to prevent forestalling, re-grating, engrossing, and Public Vendues."**

[Passed October 13th 1792.—Acts of 1792, ch. 22, pa. 83.]

BE *it enacted by the General Assembly*, That so much of the act of assembly passed in the year one thousand seven hundred and seventy-seven, entituled "an act to prevent forestalling, regrating, engrossing, and public vendues," as prohibits the sale of goods, wares and merchandizes at public vendue, shall be, and the same is hereby repealed.† So much of a former act as prohibits sales of goods at vendue repealed.

* See Chan. Rev. (Edit. 1785) pa. 66.

† This act was in force from the passing thereof.—See sessions acts 1792, ch. 22, pa. 89.

CHAP. XXVIII.

An Act to provide more effectually for the Collection of the Public Taxes in certain Cases.

[Passed December 26th, 1792.—Acts of 1792, ch. 27, pa. 84.]

Note.—This act is published in the appendix to vol. 1, ch. 6, pa. 454.

CHAP. XXIX.

An Act for appointing Electors to choose a President and Vice President of the United States.

[Passed October 10th, 1792.—Acts of 1792, ch. 30, pa. 87.]

Arrangement of the counties in districts.

1 BE *it enacted by the General Assembly*, That for the purpose of choosing twenty-one electors on behalf of this state, to vote for a president and vice-president of the United States, the several counties in this commonwealth shall be allotted into twenty-one districts, in manner following, to wit: The counties of Northampton, Accomack, and Princess Anne, shall compose one district; the counties of New-Kent, Henrico, Charles City, James City, York, Warwick, and Elizabeth City, shall compose another district; the counties of Hanover, Caroline, and Louisa, shall compose another district; the counties of Fluvanna, Albemarle, Amherst, and Goochland, shall compose another district; the counties of Orange, Culpeper, and Spotsylvania, shall compose another district; the counties of King & Queen, King William, Essex, Middlesex, Gloucester, and Mathews, shall compose another district; the counties of Norfolk, Nansemond, and Isle of Wight, shall compose another district; the counties of Sussex, Suthampton, Surry, Prince George, and Greensville, shall compose another district; the counties of Brunswick, Dinwiddie, and Mecklenburg, shall compose another district; the counties of Amelia, Nottoway, Chesterfield, and Powhatan, shall compose another district; the counties of Prince Edward, Buckingham, Cumberland, and Lunenburg, shall compose another district; the counties of Halifax, Charlotte, and Pittsylvania, shall compose another district; the counties of Bedford, Campbell, Franklin, Henry, and Patrick, shall compose another district; the counties of Richmond, Northumberland, Lancaster, Westmoreland, and King George, shall compose another district; the counties of Prince William, Stafford, and Fairfax, shall compose another district; the counties of Fauquier, and Loudoun, shall compose another district; the counties of Frederick, and Berkeley, shall compose another district; the counties of Rockingham, Augusta, and Shenandoah, shall compose another district; the counties of Bath, Botetourt, Rockbridge, Greenbrier, and Kanawha, shall compose another district; the counties of Hardy, Hampshire, Pendleton, Randolph, Harrison, Monongalia, and Ohio, shall compose another district; and the counties of Wythe, Montgomery, Washington, and Russell, shall compose another district.

Who are to vote. Elections, when and where to be held.

2. That the persons qualified by law to vote for members to the general assembly, in each county composing a district, and in the cities and boroughs entitled to representation in the general assembly, shall assemble at their respective courthouses, on the first Monday in November next, and on every first Monday in November, in every fourth year hereafter, and then and there vote for

some discreet and proper person, being a freeholder, and bona fide resident in such district, for twelve months, as an elector for such district, to vote for a president and vice-president of the United States.

3. That the high sheriff of each county, or in case of sickness or inability to attend, one of the deputy sheriffs, and the mayor or sergeant of each corporation, being first duly sworn by a magistrate of the county or corporation to act impartially, and a certificate of the taking such oath, under the hand of the magistrate delivered to him, shall conduct the said election, at which no determination shall be had by view, but each person qualified to vote shall fairly and publicly poll, and the name of the voter shall be duly entered under the name of the person voted for, in proper poll books, to be provided by the officer conducting the election, for which purpose he shall appoint so many writers as he shall think fit, who shall respectively take an oath to be by him administered, or make solemn affirmation, that they will take the poll faithfully and impartially. He shall deliver a poll book to each writer, who shall enter in distinct columns, under the name of the person voted for, the name of each voter, voting for such person. Like proclamation and proceeding shall be had for continuing and closing the poll in each county and corporation of a district, as prescribed by law, in the election of members to the general assembly; and proclamation shall also be made at the courthouse door of the person having the greatest number of votes on the poll at the closing thereof. By whom. How to be conducted.

4. Each voter shall be entitled to the same privilege from arrests, and be subject to the like penalty and forfeiture for failing to attend, and vote at such election, as prescribed by law in the election of members to the general assembly; such failure to attend to be discovered and proceeded upon in like manner, and under the same penalties, as is by law prescribed against such failures in the election of members to the general assembly. Voters to be privileged from arrests.

5. Immediately after each election in a county or corporation, the clerk of the polls having first signed the same, and made oath to the truth thereof, a certificate of which oath, under the hand of a magistrate of the county, shall be subjoined to each poll, shall deliver the same to the sheriff or other officer, who conducted the election, and such sheriff or other officer, together with the respective sheriffs who conducted the poll of the several counties in the district, except in the case of the disability or sickness of such sheriff, then any other sheriff of the county in which such sickness or disability may happen, shall, on the Monday next after the said election, assemble at the courthouse of the county first named in such district, and then and there compare the polls respectively taken at the election in their several counties and corporations, and having ascertained by faithful addition and comparison of the numbers on the respective polls, the person having the greatest number of votes upon the whole, giving their own votes, in any case of the two foremost on such poll having an equal number of votes, shall proceed to certify such election, under their hands and seals in manner and form following, to wit: "We, A. B. sheriff of " county, or deputy sheriff, (as the case may be) C. D. " sheriff of county, and E. F. mayor or sergeant (as the " case may be) of the city or borough of (and so on reciting Sheriffs to meet, compare the polls and certify elections. Forms of the certificate.

" the name of the sheriff or other officer, whether principal or " deputy, of each county, city, or borough in the district) com- " posing one entire district entitled by law to appoint an elector to " vote for a president and vice-president of the United States, do " hereby certify and make known, that at an election held on " the first Monday of November, at the courthouses of our respec- " tive counties, cities, and boroughs, pursuant to law, the voters " qualified to vote for an elector to choose a president and vice- " president of the United States, caused to be chosen one per- " son, to wit: G. H. to represent the said district as an elector to " vote for a president and vice-president of the United States: " Given under our hands and seals, this day of " one thousand seven hundred and ."

Certificates to be transmitted to the governor, and duplicates delivered to the electors. Names of electors to be published in the gazette. When & where they are to meet and vote.

6. Two fair duplicates of such certificate and return shall be made by the said sheriffs and other officers, under their hands and seals, in the manner before recited, one of which shall be delivered to the person elected to represent the district, and the other shall be transmitted to the governor and council, within fifteen days, under the penalty of three hundred dollars, upon such sheriff or other officer holding such election, in case of failure herein; to be recovered by motion in any court of record by the attorney general, to the use of the commonwealth. And the governor and council shall thereupon advertise in the public gazette, the names of the persons so elected, who shall assemble in the city of Richmond on the first Wednesday in December next, and on every first Wednesday in the month of December in every fourth year thereafter, to vote for a president and vice-president of the United States. Each elector chosen pursuant to this act, and failing to attend and vote for a president and vice-president of the United States at the time and place herein directed, shall, except in cases of sickness or any other unavoidable accident, forfeit and pay six hundred dollars; to be recovered by the attorney general, to the use of the commonwealth, by action of debt, bill, plaint, or information, in any court of record.

Poll books to be delivered to the clerks of the courts to be recorded.

7. The said sheriffs and other officers shall, under the penalty of one hundred and fifty dollars, to be recovered on motion by the attorney general, to the use of the commonwealth, in manner aforesaid, deliver to the clerks of the respective counties, cities, or boroughs, within ten days after making their returns as aforesaid, the original poll books, to be by such clerks entered of record, under the like penalty for failure as for failing to record the poll books taken at the election of members to the general assembly, and recoverable in like manner.

Penalty on sheriffs for refusing to take the poll, or taking in other manner than herein directed, &c.

8. Any sheriff, deputy sheriff, or other officer, refusing to take the poll, when he shall be required by a candidate or person qualified to vote for members to the general assembly, or taking it in other manner than is herein before prescribed, or making or signing a false certificate or return of election as herein before directed, or making any erasure or alteration in the poll books, or refusing to suffer any candidate or person qualified to vote, at his own expense, to take a copy of the poll books, shall forfeit and pay three hundred dollars; which penalty may be recovered with costs, in action of debt, by any person who will sue for the same; one half to his own use, and the other half to the use of the commonwealth.

9. Any candidate or other person in his behalf, who shall directly or indirectly give or agree to give any voter or pretended voter, money, meat, drink, or other reward, in order to be elected, or for having been elected, shall forfeit and pay fifteen hundred dollars for each offence; to be recovered with costs, by action of debt, to the use of any person who will prosecute for the same. On candidates for bribing voters.

10. *And be it further enacted*, That the electors, so appointed to choose a president and vice-president of the United States, shall be allowed for their travelling expenses, seven cents per mile, and ferriages, and for their daily attendance, one dollar and sixty-seven cents, and be entitled to the same privileges from arrests as members to the general assembly. The same allowance shall be made to the sheriffs and other officers for their travelling expenses and attendance for comparing the polls. Allowances to electors; privileged from arrests.

11. *And be it further enacted*, That no person shall be allowed to vote more than once in the same year, for any elector to be chosen pursuant to this act. No person to vote more than once for the same candidate.

12. Every act coming within the purview of this act, is hereby repealed. Repealing clause.

13. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

CHAP. XXX.

*An Act for the more Effectual Collecting certain Arrears of Taxes and Duties.**

[Passed December 10th, 1793.—Acts of 1793, ch. 9, pa. 21.]

1 BE *it enacted by the General Assembly*, That it shall be lawful for the governor, and he is hereby authorised and required, by and with the advice of council, to appoint a discreet person in each of the brigade districts, as laid off by the act, entituled, an act for regulating the militia of this commonwealth, who shall reside therein, and whose duty it shall be to attend every sale of property in the district, taken in execution to discharge arrears of taxes and duties due to this commonwealth, prior to the first day of November, one thousand seven hundred and ninety. If no person at such sale will bid three fourths of the value of the property, which shall be ascertained by the commissioners of the county where the property is advertised for sale, or in case no bidders shall attend the same, in either case, it shall be at the discretion of the agent for the commonwealth, to purchase such property, who shall hold the same in trust for the purpose of raising such arrears of taxes, by sale thereof, at such times and places, as the agent may think proper, either for specie, commutables or certificates, as the said arrears of taxes could or were to be discharged by law. And the sale of such property shall be made; and information thereof transmitted to the executive within two months after such purchase, and pay the money, commutables or Agent to be appointed in each brigade district to attend sales under executions for arrears of taxes, &c. When they may purchase the property. When and how they shall sell it; and pay the money into the treasury.

* An act comprehending nearly the same subjects as this act, but more extensive in its operation, passed at the session of 1806.—See ch. 4, pa. 4, of sessions acts, and ch. 106 of this volume.

certificates arising therefrom, into the public treasury, within two months after such sale, under the like rules, regulations and proceedings for failure therein, as are directed and prescribed by law for the recovery of taxes from the sheriffs, deducting therefrom fifteen per centum for his trouble, in receiving and paying the same into the public treasury.

Their commission thereon.

Indorsements to be made by sheriffs of the property purchased by the agents. Penalty for neglect.

2. Whensoever any agent shall purchase property in behalf of the commonwealth, the sheriff or other officer selling the same, shall endorse on the execution, the particular species of property by him sold, to whom, and for what amount, either in specie, commutables or certificates. If any sheriff or other officer, shall fail or neglect to make such endorsement, he shall forfeit and pay twenty five per centum upon the amount of the execution, to be recovered and applied in like manner, as is directed and prescribed in the case of sheriffs failing to return executions, which issue in behalf of the commonwealth, for public taxes.

Agents to give bond and security.

3. Every agent appointed as aforesaid, shall, before he enters upon the execution of the duties required of him by this act, give bond to be prepared by the executive, with sufficient security, (to be taken and approved of by the court of his county or the executive) in the penalty of double the amount of the arrearages due within his district, payable to the governor for the use of the commonwealth, with condition for the due and faithful performance of the trust reposed in him, by the act, entituled, an act for the more effectual collecting certain arrears of taxes, and also accounting for and paying all sums of money, tobacco or facilities, which shall or may come to his hands, pursuant to the said recited act. The clerk, or the executive, (as the case may be,) shall transmit without delay, a copy of the said bond to the auditor of public accounts, and also deliver to the agent, a certificate of his having given bond according to law. The executive shall transmit to each agent, a certificate of his appointment, with an endorsement thereon, that such appointment is not to take effect until the person shall have given bond and security according to this act, a copy of which the executive shall also transmit with each appointment. Every agent shall be under the controul and direction of the executive, and may be superseded by them for good cause, and another appointed in his stead.

Amenable to the Executive and removable by them.

Their duty when property under execution is claimed by any other than the debtor.

4. If the property taken in execution for the said arrears of taxes, shall on or before the day of sale be claimed by any person, the sheriff shall summon a jury to ascertain the title to the same, and if the estate be found by the jury to be the property of the claimant, and the agent shall have good cause to suspect any fraud or collusion in obtaining title to such property, he shall cause the same to be represented to the executive, as soon as may be, with the particular circumstances of the case.

All executions for arrearages to be sent to them.

5. All executions on judgments obtained in behalf of the commonwealth, for the aforesaid arrearages, shall be sent by the auditor to the agent of the proper district and be issued by the clerk, with the county blank. Every such execution shall be delivered by the agent to the sheriff of that county, where it can be levied, for which he shall take a receipt, which receipt shall be transmitted to the auditor; and at the time of delivery, the agent shall appoint the time and place of sale, and every sheriff shall govern

himself accordingly. If the agent of one district, should have occasion to deliver an execution to a sheriff in the district of another agent, to be levied, the agent delivering the execution shall have the power of regulating the sale as in other cases. When a venditioni exponas shall be sent to an agent, he shall have power to appoint any place as well within as without his district for the sale of the property. Their duty on receiving them.

6. Each agent shall be allowed and paid by the public, the sum of ten per centum in kind on so much of the aforesaid arrearages, as shall be paid into the public treasury, by the sheriffs or collectors of his district; and where the property shall be by him purchased, the slaves and live stock shall be supported by him, and reimbursed out of the sales, in like manner as in the case of an officer serving an execution on the like property, and shall be sold agreeably to the directions of the executive, endorsed on such execution. Their commission on arrears paid into the treasury. Slaves &c. purchased by them how to be supported.

7. An agent may, if he thinks proper, appoint a person from time to time to act for him, for whose conduct he shall be responsible. May appoint assistants.

8. *And be it further enacted*, That where any such arrears cannot be recovered within this commonwealth, and any such agent shall go out of the state for the purpose of recovering the same from the sheriffs or collectors, or their securities, who may have removed themselves or their property out of this state, the executive shall allow such agent such additional per centum on the arrears which may be thus collected by him, or paid by such sheriffs or collectors, or their securities, into the treasury, as to them shall appear proper. Executive may allow them extra commission for money recovered from debtors out of the state.

9. *And be it further enacted*, That the powers vested in the agents to be appointed by this act, shall extend to all delinquent inspectors, county lieutenants, clerks of the several courts within this commonwealth, and to all persons indebted to the public of what sort or description soever they may be, whose delinquencies incurred prior to the first day of January, one thousand seven hundred and ninety, except where commissioners are by some special law appointed for that purpose. To what delinquents their powers extend.

10. This act shall commence in force from the passing thereof. Commencement of this act.

CHAP. XXXI.

An Act to Repeal in part, "An Act for the more effectual Collecting certain Arrears of Taxes and Duties."

[Passed December 12th, 1793.—Acts of 1793, ch. 10, pa. 22.]

BE *it enacted by the General Assembly*, That so much of the act, of the present session, entituled "an act for the more effectual collecting certain arrears of taxes and duties, as excludes the agents from demanding and receiving those arrearages of taxes, which are directed to be collected by certain commissioners heretofore appointed for that purpose, shall be, and the same is hereby repealed; except so far as it relates to monies appropriated, otherwise than to the use of the commonwealth. Part of the act which excluded the agents from receiving the arrears where commissioners have been appointed, repealed; With an exception.

2. This act shall commence in force from the passing thereof. Commencement of this act.

CHAP. XXXII.

An Act concerning certain Corporation Courts.

[Passed December 12th, 1793.—Acts of 1793, ch. 17, pa. 25.]

Corporation courts empowered to levy money for building jails pillories, &c.

BE *it enacted*, That from and after the passing of this act, it shall be lawful for any corporation courts, whose powers of levying money on the inhabitants thereof are limited by law to any specific and certain sum, to levy on the inhabitants of the said corporations, in addition thereto, so much money in each year, as will enable them to build and keep in repair sufficient jails, pillories and stocks in the said corporations respectively; any thing in any other law to the contrary in any wise, notwithstanding.

December 10, 1793.

RESOLVED, That the executive be empowered to employ a sufficient number of artificers to put in complete repair all the public arms; and that they also be requested to have so many bayonets and cartouch boxes provided, as may be necessary for the muskets in the public arsenals.

December the 11th, 1793—Agreed to by the Senate.

CHAP. XXXIII.

An Act to repeal the Third Section of an Act, entituled "An Act to ascertain the mode of obtaining Grants to certain Lands on the Western Waters."

[Passed 25th December, 1794.—Acts of 1794, ch. 20, pa. 14.]

The section repealed, recited.

1 BE *it enacted by the present General Assembly*, That all that part of the third section of an act, entituled "an act to ascertain the mode of obtaining grants to certain lands on the western waters," passed in the year one thousand seven hundred and eighty-three, and is in the words following, viz. "That "for all arrearages which shall be due and have been previously "demanded by the said companies or their agents, on or before "the twenty-fifth day of December, in the year of our lord, one "thousand seven hundred and eighty-four, previous to which no "distress shall be made, the sheriffs of the counties wherein such "lands lie, the price of which may be due, at the request of the "different companies or their agents, may and are hereby directed "to lay off in a compact body so much of the said land, to be "pointed out by the tenant or proprietor, as shall be the value of "such debt, and shall proceed to sell the same, charging the "debtor with the usual commission thereon, and the expense of "surveying such dividend or quantity of land, provided that he "gives thirty days public notice of the time and place of such sale," shall be, and the same is hereby repealed.

None of the lands held under the grants to be forfeited for non-payment of the purchase money.

2. *And be it further enacted*, That no forfeiture of lands held under any of the grants shall take place in case of non-payment.

Commencement of this act.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXIV.

An Act to amend the Act prescribing the Mode of ascertaining the Taxable Property within this Commonwealth, and of Collecting the Public Revenue.

[Passed December 19th, 1794.—Acts of 1794, ch. 21, pa. 15.]

Preamble.

1 WHEREAS by the twenty-ninth section of the act, entituled "an act prescribing the mode of ascertaining the taxable property within the commonwealth, and of collecting the public revenue," it is enacted in the words following, to wit: "No sheriff or collector shall be allowed to distrain for any taxes "after two years from the time the taxes became due, except "sheriffs appointed prior to the year one thousand seven hundred "and ninety-two, who shall have the power of distraining for the "taxes now due for the term of eighteen months from the passing "of this act. *Provided nevertheless*, that no sheriff or collector "shall be allowed to distrain for such arrearages until he shall "have entered into bond, with sufficient security to be approved "of by such court, to pay and satisfy all such damages and costs "as may be recovered against him for any abuse of the power "hereby vested in him." And whereas, by the fortieth section of the said act the same was declared to commence in force from and after the passing thereof, to wit, the thirteenth day of December, in the year of our lord one thousand seven hundred and ninety-two: And whereas, by one other act, passed on the twenty-eighth day of December, in the year one thousand seven hundred and ninety-two, entituled "an act declaring what acts of the present session shall be immediately in force, and to suspend the operation of all other acts of the present session, which are of a public and permanent nature," the operation of the act first aforesaid was suspended until the first day of October, in the year of our lord one thousand seven hundred and ninety-three, by reason whereof doubts have arisen from what period the aforesaid term of eighteen months was to be accounted to commence: For remedying whereof, and to give to the said sheriffs appointed prior to the year one thousand seven hundred and ninety-two, the full benefit intended by the said act,

Time allowed by law to sheriffs appointed prior to the year 1792, to collect their arrearages extended.

2. *Be it enacted and declared*, That the said term of eighteen months within which they may have power of distraining for the taxes then due under the regulations of the said act, shall be held to have commenced from and after the said first day of October, one thousand seven hundred and ninety-three, and not sooner. *And be it further enacted*, That the further time of six months from the expiration of the said term of eighteen months, shall be allowed the said sheriffs for completing their collections under the regulations and provisions of the said recited act,

No lands to be deemed forfeited for non-payment of taxes, unless the returns and notices required by law have been made and given.

3. Whereas doubts have arisen whether the lands on which no taxes are paid for the space of three years do not become forfeited to the commonwealth under the thirty-fifth section of the aforesaid act, although the returns directed to be made by the sheriffs or collectors, and the notice to be thereupon given by the treasurer, as prescribed by the thirty-fourth section of the said act, have not been made nor given. For a plain declaration of the law, *Be it therefore enacted*, That no lands shall be deemed to have been forfeited to the commonwealth, unless the returns and notice have

been made and given agreeably to the said thirty-fourth section, nor shall any land become forfeited to the commonwealth for the non-payment of taxes for the space of three years, unless the returns and notice prescribed by the thirty-fourth section shall be made and given.

Saving clause.

4. *Provided always*, That nothing contained in this act shall affect any legal right acquired by any person or body corporate other than that of the commonwealth.

Commencement of this act.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXV.

An Act to empower the President of the United States to Purchase a Tract of Land within this State, for the purpose of Erecting a Public Arsenal thereon.

[Passed November 28th, 1794.—Acts of 1794, ch. 24, pa. 16.]

1 BE *it enacted by the General Assembly of the Commonwealth of Virginia*, That it shall and may be lawful for the president of the United States, or any person by him appointed for that purpose, to purchase within the limits of this state a quantity of land, not exceeding six hundred and forty acres, for the use of the United States, for the purpose of erecting a magazine and arsenal thereon.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXVI.

An Act authorising one or more Branches of the Bank of the United States, in this Commonwealth.

[Passed December 10th, 1795.—Acts of 1795, ch. 4, pa. 12.]

President and Directors of the Bank of the United States, authorised to establish offices of discount and deposit in this commonwealth.

1 BE *it enacted by the General Assembly*, That it shall and may be lawful for the president and directors of the bank of the United States, to establish an office or offices of discount and deposit in this commonwealth, and to demand and receive for or upon its loans and discounts, at the rate of six per cent. per annum for a longer or shorter time. Any law to the contrary thereof, notwithstanding.

Commencement of this act.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXVII.

An Act concerning the District Court to be holden at the Sweet Springs.

[Passed December 8th, 1795.—Acts of 1795, ch. 24, pa. 23.]

Preamble.

WHEREAS by the act of assembly, entituled "an act reducing into one, the several acts concerning the establishment, jurisdiction, and powers of the district courts," passed the twelfth day of December, one thousand seven hundred and ninety-two, it is among other things provided, "That the counties of Greenbrier, Botetourt, Montgomery, and Kanawha, shall compose

a district, and a court shall be holden for the same at Lewisburg in Greenbrier, and Botetourt' courthouse, alternately, until the proprietor of the Sweet Springs shall erect a sufficient courthouse and prison for the purposes of the said act, after which time, the Sweet Springs shall become the seat of the said district court:" And whereas it hath been represented to this present general assembly, by the proprietor of the Sweet Springs, that he hath erected a sufficient courthouse and prison:

1. *Be it therefore enacted*, That Thomas Edgar, William Hayns, Nicholas Carper, David Kean, and William Wilson, gentlemen, shall be, and they, or any three of them, are hereby empowered and required, on or before the first day of May next, to view and examine the courthouse and prison built at the said Sweet Springs, and report to the court to be next holden for the said district, the form and strength of the said buildings; and if the judge or judges of the said court shall be of opinion that the same are sufficient for the purposes intended by the said act, the same shall be entered of record, and thenceforth, the court for the said district shall be constantly held at the said place. Persons appointed to view and report certain buildings erected at the Sweet springs: District court to be thereafter holden thereat.

2. So much of the said recited act, as comes within the meaning of this act; is hereby repealed. Repealing clause.

3. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

CHAP. XXXVIII.

An Act to ascertain the Allowance of the Members of the General Assembly.

[Passed November 26th, 1795.—Acts of 1795, ch. 26, pa. 24.]

WHEREAS it is just, that the members of the general assembly, delegated by the people to transact for them the legislative business, should, while attending that business, have their reasonable expenses defrayed, dedicating to the public service their time and labours, freely and without account; and it is also expedient that the public councils should not be deprived of the aid of good and able men, who might be deterred from entering into them by the insufficiency of their private fortunes to bear the extraordinary expenses they must necessarily incur: And whereas a doubt exists whether any law is in force at this time ascertaining their pay and allowance: Preamble.

1. *Be it enacted by the General Assembly*, That the allowance to the several members of the present and all future assemblies, shall be two dollars* by the day for attendance on the said assemblies, eight cents for every mile they must necessarily travel, going to and from the same; together with their ferriages, to be paid to them in money out of the public treasury. Daily allowance of members of assembly, and rate of milage.

2. This act shall be in force from and after the passing thereof. Commencement of this act.

* Increased to three dollars a day and milage as by this act. See Rev. Code, vol. 1, ch. 261, pa. 399.

CHAP. XXXIX.

An Act for giving further time to the Owners of Lots in the Town of Cartersville, in Cumberland County to Build thereon, and for other purposes.

[Passed December 21st, 1795.—Acts of 1795, ch. 56, pa. 44.]

Trustees of unincorporated towns in this state may prohibit horse racing in the streets, & impose a penalty thereon.

4. *And be it further enacted*, That the trustees of the respective unincorporated towns of this commonwealth shall be, and they are hereby authorised, by bye-laws not contravening laws heretofore, or which may hereafter be enacted by the legislature, to prohibit horse racing in the streets thereof, under a penalty not exceeding five dollars for every such offence, to be recovered of each offender, on information of either of the said trustees, before a justice of the peace of their respective counties, not being an inhabitant of their said towns; the sum so recovered shall be by the said trustees appropriated towards repairing the streets within their said town.

Commencement of this act.

5. This act shall be in force from and after the passing thereof.

Saturday, December 19th, 1795.

WHEREAS the general assembly of this commonwealth, did, on the 18th of November, in the year 1794, come to a resolution in the words following:

Resolved unanimously, That the amendment proposed by the third congress of the United States, at the first session, begun and held at the city of Philadelphia, in the state of Pennsylvania, on Monday the second day of December, one thousand seven hundred and ninety-three, to the constitution of the United States, in the words following, to wit: "The judicial power of the United "States shall not be construed to extend to any suit in law or "equity, commenced or prosecuted against any one of the United "States, by citizens of another state, or by citizens or subjects of "any foreign state," be ratified by this commonwealth. And whereas the above recited amendment has not been published for the information of the good citizens of this state: It is hereby

Resolved, That the said amendment, as acceded to, be printed at the end of the laws, passed at the present session of general assembly.

Resolved, That the senators from this state in the congress of the United States, be, and they are hereby requested, to renew their endeavors to get the aforesaid resolution agreed to, so that it may become explanatory of the constitution of the United States.

December 22d, 1795—Agreed to by the senate.

Saturday, December 5th, 1795.

RESOLVED, That the governor be requested to propose to the executive departments of the several states, the annual interchange of the laws passed by the respective states, and to establish a regular system for such exchange comprehending the existing code of laws in each state.

December the 7th, 1795—Agreed to by the senate.

CHAP. XL.

An Act to suspend the operation of the Act, entituled an Act for Collecting and Publishing all the Acts of the Legislature, concerning Lands.

[Passed December 27th, 1796.—Acts of 1796, ch. 10, pa. 12.]

1 BE *it enacted by the General Assembly*, That the operation of the act passed on the fourth day of December, one thousand seven hundred and ninety-five, entituled "an act for collecting and publishing all the acts of the legislature concerning lands," be suspended until the first Monday in December next. An act herein recited, suspended.

2. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

CHAP. XLI.

An Act giving further time to the Owners of certain Surveys, to return the Plats and Certificates thereof into the Land Office, and a further time to the Owners of Entries on the Western Waters, to Survey the same.

[Passed December 13th, 1796.—Acts of 1796, ch. 47, pa. 29.]

3. *And be it further enacted*, That all entries made either on the eastern or western waters, shall become absolutely null and void, unless the same be surveyed within two years, to be computed from the first day of November last; and that all entries hereafter made, shall become void, unless surveyed within two years after their date, and the lands subject to another location. All entries shall be void unless surveyed within two years.

4. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

CHAP. XLII.

An Act for Paying the Officers of the General Assembly, for their Services during the present Session.

[Passed December 24th, 1796.—Acts of 1796, ch. 76, pa. 39.]

* 2. *And be it further enacted*, That the clerk of the house of delegates shall be the keeper of the rolls during the recess of the assembly, and shall for that service and for superintending the printing of the laws, receive the sum of two hundred dollars per annum. Clerk of H. D. appointed keeper of the rolls.

3. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

* By act of 1797, ch. 95, sect. 2, pa. 45, the keeper of the rolls shall be entitled to receive his salary in the same manner as other officers of the government receive theirs.

CHAP. XLIII.

An Act to form into a District, the Counties of Hardy, Hampshire, and Pendleton.

[Passed December 20th, 1796.—Acts of 1796, ch. 86, pa. 41.]

WHEREAS the great increase of business in the court for the district composed of the counties of Frederick, Berkeley, Hampshire, Hardy, and Shenandoah, render the difficulties in obtaining justice therein so considerable, as to amount to a tacit Preamble.

denial thereof: And whereas, the inhabitants of the county of Pendleton suffer great inconvenience in having to attend the district court directed to be held at Staunton, for remedy whereof,

Counties of Hardy, Hampshire, and Pendleton, formed into a district, and court thereof, when holden.

1. *Be it enacted by the General Assembly*, That the counties of Hampshire, and Hardy, shall be taken from the district of Winchester, and the county of Pendleton from the district of Staunton; and that the said counties of Hampshire, Hardy and Pendleton, shall compose a separate and distinct district, and a court shall be holden for the same at the courthouse in the said county of Hardy, by the judges now or hereafter to be allotted to the districts of Winchester and Morgan Town, on the fifth day of May and the fifth day of September in every year, in like manner as other district courts, and shall sit if the business require it, ten juridical days and no longer.

Jurisdiction of the court.

2. The said court shall have the like jurisdiction over all causes, persons, matters and things, as is given by law to other district courts within this commonwealth.

Court for district of Morgan Town when holden.

3. The court of Morgan Town district, shall hereafter be held on the fifteenth day of May and the fifteenth day of September in every year; and if any of the days herein appointed for holding a district court shall happen on a Sunday, such court shall begin on the succeeding day.

Clerk of Hardy district, how appointed, his fees &c.

4. The judges now allotted to the districts of Winchester and Morgan Town, shall immediately by commission under their hands and seals, appoint a proper person as clerk of the court hereby established, who, after taking, before some court of record, the oath of fidelity to the commonwealth, and the oath required to be taken by clerks of courts, adapting the same to the district court, shall in all respects be capable of executing the duties of his office, and shall be allowed the same fees for his services as clerks of other district courts.

Duties of the clerk, & vacancy in the clerkship how supplied.

5. The clerk so to be appointed, shall at the first court to be holden for his district, after his appointment, produce a certificate of his qualification as aforesaid, which shall be entered of record in his court, and shall, during the session of such court, enter into such bond as is required of other clerks of district courts; and in case of a vacancy thereafter in the office of clerk of the court hereby established, the same shall be supplied in the manner directed in similar cases.

Certain causes to be removed into the court of the new district, &c.

6. Such causes depending in the courts of the districts of Winchester and Staunton, at the commencement of this act, as, agreeably to the intention thereof, ought to be removed into the court of the new district, shall, by the clerks of the first mentioned courts, be arranged according to such new district, taking for their rule the county in which the original or other writ, hath been executed; and where the same has not been served, the county to which the same was last directed, or from which judgments or orders shall have been removed, and with the papers therein delivered by them to the clerk so to be appointed, together with a state of the costs which may have accrued in each suit to the time of such delivery, and all other cases not coming within the said rule, the said clerks shall judge of, and act in, according to the meaning of this act, in such manner as to them shall seem right.

7. And on such causes and papers being delivered to the clerk of the new district, as hereby directed, he shall proceed therein accordingly; and shall moreover, at least one month before the time appointed for the session of his court, post up a list of the causes so transmitted to him, at the door of each courthouse in his district. A list of causes so removed to be affixed at courthouse doors.

8. This act shall be in force from and after the passing thereof. Commencement of this act.

Tuesday, November the 15th, 1796.

RESOLVED, That the executive do proceed to execute the act, entituled "an act, authorising the executive to procure arms for the defence of the commonwealth," in the mode which they may think most consonant to the public interest.

November the 19th, 1796—Agreed to by the senate.

CHAP XLIV.

An Act laying Taxes for the year one thousand seven hundred and ninety-seven.

[Passed January 22d, 1798.—Acts of 1797, ch. 1, pa. 1.]

7. The commissioners of the tax shall hereafter, in their books or lists of taxables, specify opposite to each person's name, in a column for that purpose, the amount of the tax owing by such person for the land, or other property therein charged to him. Commissioners to state tax due from individuals.

8. This act shall commence and be in force from and after the passing thereof. Commencement

CHAP. XLV.

An Act to establish Arsenals and a Manufactory of Arms.*

[Passed January 23d, 1798.—Acts of 1797, ch. 18, pa. 12.]

1 BE *it enacted*, That the executive be, and they are hereby required to fix upon and purchase two proper situations for the erection of arsenals, in the counties of Prince Edward and Orange, or Culpeper, in addition to that at the Point of Fork, and to have such buildings erected for the preservation of arms, and such fortifications thrown up for the defence of the said arsenals, as to them shall seem expedient. Executive to fix on and purchase proper sites for, & cause arsenals to be erected.

2. *And be it further enacted*, That the executive do cause to be enlisted, for a term not exceeding three years, as a guard for each arsenal as it is erected, twenty private men and two sergeants, and commission one lieutenant, for the purposes of making each of the said fortifications, guarding and keeping the arms in good order, which said men and officers shall receive the same pay and other allowances as continental troops are entitled to: *Provided*, That the executive do only cause the said men to be enlisted, and commission the said officers, as they may become necessary from the supplies of arms by purchase or otherwise, A lieutenant to be commissioned and 20 men to be enlisted as guards, &c. their pay and duty. Proviso.

3. *And be it further enacted*, That each of the said three arsenals, hereby established, shall be calculated to hold at least ten thousand complete stand of arms, with which quantity each is to be supplied successively, at the discretion of the executive, one being finished and supplied, before the expense of erecting buildings and enlisting guards for another, shall be incurred. What number of arms arsenals to be capable of holding; & how supplied.

* So much of this act as respects the erection of arsenals suspended.—See post chap. 49, sect. 2, pa. 135.

Duty of lieutenants appointed in pursuance of this act. Shall enter into bond with security, &c. and Make monthly returns of arms, &c.

4. Each lieutenant shall, over and above the other duties of his office, inspect and direct the cleaning and well-keeping the arms, for which he shall receive the additional sum of one hundred dollars annually; shall give receipts for all arms delivered to him, and shall enter into bond with three sufficient securities, in a penalty equal to their value, payable to the governor for the time being, for the use of the commonwealth, and conditioned as the executive shall devise, so as to secure the object of having the said arms at all times forth-coming and in good order; and until the appointment of the commandant hereafter mentioned, it shall be the duty of each lieutenant to make monthly returns of all arms under his care, expressing their state, to the executive.

Executive to commission a major commandant, his pay and duty.

5. *And be it further enacted*, That so soon as fifteen thousand stand of arms shall be obtained, the executive are required and empowered to appoint and commission one major commandant and superintendant of the said arsenals and guards, who shall receive the pay and other allowances of a major in the infantry of the continental army, whose duty it shall be once in every month, and oftener if need be, to inspect the state of the said arsenals, and to make a return thereof monthly to the executive in such mode as they may direct.

Commissions—how holden.

6. The several officers hereby to be appointed, shall hold their commissions during pleasure.

A manufactory of arms near Richmond.

7. And to insure a supply, *Be it further enacted*, That the executive be empowered to establish a manufactory of arms within the vicinity of Richmond, at such place, and upon such terms and conditions as to them shall seem expedient.

Executive to procure accoutrements for cavalry.

8. *And be it further enacted*, That the executive be, and they are hereby required, to procure six hundred pistols, holsters, swords, scabbards, and belts, to be distributed in the said several arsenals, as they are ready to receive them, for the equipment of cavalry.

To dispose of the public ordnance herein mentioned.

9. *And be it further enacted*, That the executive shall be, and they are hereby authorised, to dispose of, or exchange, such of the ordnance of this commonwealth, as they may deem expedient, and in lieu thereof to procure brass field pieces of the size best suited to the military establishment of this commonwealth.

Writ of ad quod damnum on land wanted for the uses herein mentioned may issue in certain cases. Surveyor of the county to attend proceeding thereon. Duty of the jurors. Inquest to be returned and recorded.

10. *And be it further enacted*, That in case the executive cannot obtain a proper site for the said arsenals and manufactory, upon such terms as they may deem reasonable, a writ of ad quod damnum shall, at their instance, be issued from the district court wherein the land so required for public use, shall lie, which shall be executed thereupon by metes and bounds, which, and also the quantity shall be expressed in the inquest: the surveyor of the county shall attend the jury, to ascertain the bounds and quantity; of which said inquest the party interested shall have reasonable notice; and the said jury shall in their inquest, ascertain the damages which the proprietor of the said land shall sustain by the loss thereof, whereupon, and upon the payment of the said damages to the said party injured, the land so valued shall be forever thereafter vested in the commonwealth. The said inquest so to be made, shall be returned and recorded in the district court from which the writ of ad quod damnum shall issue.

11. *And be it further enacted*, That the executive shall, and they are hereby authorised and empowered, to issue such a proportion of the public arms and ammunition to the commanding officers of the regiments, within the limits of which the arsenals aforesaid shall be erected, under such conditions and regulations, for the security and preservation of the said arms, as they may deem necessary. Executive may issue public arms to officers of certain regiments, under such conditions as they approve.

12. This act shall commence and be in force from the passing thereof. Commencement.

CHAP. XLVI.

An Act authorising the Governor of this Commonwealth to convey to the United States, certain Land on Old Point Comfort, for the purpose of Building a Light House.

[Passed January 2d, 1798.—Acts of 1797, ch. 19, pa. 13.]

1 BE *it enacted by the General Assembly*, That it shall and may be lawful for the governor of this commonwealth, and he is hereby fully authorised for and in behalf of this commonwealth, by proper deeds and instruments in writing, under his hand and the seal of the commonwealth, to convey, transfer, assign and make over to the United States, in congress assembled, for the use of the said United States, all interest in, and right and title to, as well as all the jurisdiction which this commonwealth posseses, over so much of the public lands, not exceeding two acres, situate, lying and being in the county of Elizabeth City, at a place commonly called Old Point Comfort, as shall be sufficient to erect a light house, subject to the terms and conditions following, that is to say: That a light house shall be erected upon the said land, and that all charges and expenses of building and rebuilding, when necessary, and keeping in good repair the said light house, together with the salaries, wages and hire of the person or persons appointed by the President of the United States for the superintendance and care of the same, and all the necessary supplies with which a light house ought to be furnished, shall be defrayed out of the treasury of the United States. Governor authorised to convey a piece of land on Old Point Comfort to the U. States for the purpose of building thereon a light house.

2. If a light house shall not be erected within the space of seven years, after the cession of the said two acres of land by this commonwealth, to the United States, in congress assembled, or if at any time thereafter, the said light house shall be suffered to fall into decay, or be rendered useless as to the purposes for which it is to be erected, and so continue for the aforesaid period of seven years, then and in those cases, the property in the soil, and jurisdiction over the territory hereby directed to be vested in the United States, in congress assembled, shall revert to this commonwealth, and be considered as the property, and subject to the jurisdiction of the same, in like manner as if this act had never been made. Land to revert to the state in case a light house is not erected thereon, and continued in use.

Provided always, That nothing in this act contained, or in the deed of cession to be made in pursuance thereof, shall be construed to deprive the citizens of this commonwealth of the privilege they now enjoy of hauling their seines on the shores of the land to be ceded in pursuance of this act. Proviso.

CHAP. XLVII.

An Act making Provision for the Disposal of the Marine Hospital, and the Exoneration of the Commissioners.

[Passed January 20th, 1798.—Acts of 1797, ch. 22, pa. 16.]

Executive to cause a settlement of commissioner's accounts and offer and cede the building &c to the U. States for a marine hospital.

1 BE *it enacted by the General Assembly*, That the governor and council be, and they are hereby authorised and empowered, to cause the accounts of the commissioners appointed under the act, entituled, an act for establishing a marine hospital for the reception of sick and disabled seamen, to be adjusted; and so soon as the balance due by the commissioners to the contractor shall be ascertained, it shall be lawful for the governor to offer the marine hospital, together with its appurtenances, to the congress of the United States, to be applied to the benevolent purposes for which it was erected, at the sum which shall be found due from the commissioners to the contractor: And the governor is further authorised and empowered to cede to the United States, by deed, the lots and appurtenances aforesaid, on receiving from the commissioners of the marine hospital, or from any other source, satisfactory proof that the sum so ascertained to be due from the commissioners in consequence of their appointment, has been actually paid.

Hospital to be sold if the United States refuse it on the terms herein tendered.

2. *And be it further enacted*, That in case the government of the United States shall refuse to receive the said hospital with its appurtenances, on the terms beforementioned, then and in that case it shall be lawful for the governor to direct the commissioners, or any three of them, to dispose of the said hospital, with the appurtenances, for the best price that can be obtained; and the money arising from such sale, to be applied in the first place to the payment of the sum which shall be found due from the commissioners, and the balance shall be paid into the treasury, subject to the future direction of the general assembly.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XLVIII.

An Act, providing for the Printing of an Extra Number of the Laws, and for other purposes.

[Passed January 25th, 1799.—Acts of 1798, ch. 5, pa. 7.]

Commissioners of revenue allowed a copy.

2. Each of the commissioners of the revenue shall be hereafter furnished with a copy of the laws at the public expense.

Commencement.

3. This act shall commence and be in force from the passing thereof.

CHAP. XLXIX.

An Act, to amend the Act, authorising the Executive to procure Arms for the defence of the Commonwealth.

[Passed January 18th, 1799.—Acts of 1798, ch. 12, pa. 10.]

Money appropriated for the purchase of arms, may in case of default in the contractor, be applied by the executive to the purchase of arms elsewhere.

1 BE *it enacted by the General Assembly*, That in case the subsisting contracts for arms, under the act, entituled "an act, to authorise the executive to procure arms for the defence of the commonwealth," are not complied with according to their tenor, within the time allowed by the legislature, the executive be, and they are hereby required, to apply the money appropriated to the fulfilment of those contracts to the purchase of other arms, wherever the same can be had.

2. And whereas it may be thought necessary to distribute any arms which may be procured, among the militia: *Be it enacted*, that so much of any law, as may require the executive to erect an arsenal or arsenals, shall be, and the same is hereby suspended until the next session of assembly.

Act authorising the erection of arsenals, suspended.

CHAP. L.

An Act, to amend the Act, entituled an Act, to amend the several Acts, for regulating Pilots, and ascertaining their Fees.

[Passed January 24th, 1799.—Acts of 1798, ch. 21, pa. 14.]

1 BE *it enacted by the General Assembly*, That the rate of pilotage from Cape Henry up the Potowmac river, as high as the Eastern branch, shall be as follows: From the said Cape to Smith's Point, on South Potowmac, coming from sea, twenty-five dollars, and for going out twenty dollars and eighty-three cents; from Smith's Point to Coan or Yeocomico, sixty-two cents per foot; to Machadock, seventy-two cents per foot; to Upper Machadock, one dollar per foot; to Nangomy, one dollar and twenty-five cents per foot; to Boyd's Hole, one dollar and thirty-five cents per foot; to Quantico, one dollar and forty-six cents per foot; to Occoquan, one dollar and sixty-one cents per foot; to Piscataway, one dollar and ninety-seven cents per foot; to Alexandria, two dollars and thirty-six cents per foot; and to Eastern branch, two dollars and fifty cents per foot; and the same fees by the foot back again from the places aforesaid to the Capes.

Rate of pilotage from Cape Henry to certain places up the Potowmac river, and like rates from the said places to the Capes.

2. Every captain or commander of a vessel shall receive a branch pilot to conduct his vessel out to sea from the port of lading.

Masters of vessels shall receive a pilot to conduct vessel from port of lading.

3. All and every act and acts, clauses and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause

4. This act shall commence and be in force, from and after the first day of April next.

Commencement.

CHAP. LI.

An Act to Increase the Reward for Killing Wolves.

[Passed January 28th, 1799.—Acts of 1798, ch. 34, pa. 17.]

1 BE *it enacted by the General Assembly*, That every person who shall kill or destroy any wolf above the age of six months, in the counties of Rockbridge, Wythe, Montgomery, Monongalia, Randolph, Kanawha, and Augusta, shall receive a reward of two dollars and fifty cents; and for every wolf under the age of six months, to be adjudged by the justice before whom the scalp or scalps shall be brought, one dollar and twenty-five cents; that every person who shall kill or destroy any wolf above the age of six months, in the counties of Washington, Lee, Russell, Brooke and Pittsylvania, shall receive a reward of four dollars; and for every wolf under six months, two dollars; any person who shall kill or destroy any wolf above the age of six months, in the counties of Bath, Hampshire, Franklin, and Pendleton, shall receive a reward of six dollars; and for every wolf under the age of six months, three dollars; and that every person who shall kill or destroy any wolf above the age of six months in the counties of Buckingham, Amherst, Hardy, Campbell, Frederick, Bedford,

Rewards allowed for killing wolves in the several counties herein named.

Berkeley, and Shenandoah, shall receive a reward of ten dollars; and for every wolf under the age of six months five dollars; to be levied and paid in the county where the same was killed, in like manner as other county charges are annually levied and paid, the party or parties entitled thereto, producing a certificate or certificates thereof, obtained in manner required by this act.

Persons claiming such reward, shall produce the whole skin of the head of every wolf to a justice of the peace of the county, wherein the same was taken and killed, and shall then also before the same justice make oath or affirmation to the effect following, that is to say: I, A. B. do swear that "the scalp or "scalps (as the case may be) of the wolf or wolves by me now "produced, was taken and killed in the county of C. so help me "God." And thereupon the justice shall grant to the wolf killer, a certificate reciting his name, the number of scalps produced, either of old wolves, or such as in his opinion appear not to exceed six months, the time and place when and where killed, and that oath or affirmation or other sufficient proof thereof hath been made before him; which being produced to the court laying the county levy, shall entitle the party or parties therein named, to the reward aforesaid: but no claim or demand for the same shall be allowed, without such certificate: *Provided always*, that every justice of the peace shall cause the ears of all wolf scalps brought before him, to be cut off in his presence, and he shall not grant a certificate for any scalp without ears.

Persons claiming such reward, shall produce the whole of every wolf's head, and make oath where each wolf was killed. Duty of the magistrate administering the oath, &c.

Proviso.

Reward allowed for killing wolves, and how paid.

3. Every person who shall kill or destroy any wolf above the age of six months, shall receive a reward of two dollars, and for every wolf under the age of six months, a reward of one dollar; the killing or destroying such wolf or wolves, being proven and certified to the courts of the several counties in manner as herein before prescribed, such rewards shall be paid by the county, and repaid by the public,* upon certificate of the clerk of each county.

Repealing clause.

4. All and every act or acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall be and are hereby repealed.

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

* So much of this act as directs that the rewards for killing wolves paid by the county, shall be repaid by the public, is repealed.—See chap. 77, pa. 106, of this volume.

CHAP. LII.

An Act to appropriate the Public Revenue.

[Passed January 23d, 1800.—Acts of 1799, ch. 35, pa. 19.]

Taxes to constitute a general fund.

BE *it enacted by the General Assembly*, That all taxes and arrearages of taxes, and all branches of revenue which shall arise to the commonwealth, between the last day of December, one thousand seven hundred and ninety-nine, and the first day of January, one thousand eight hundred and one, shall constitute a general fund, and be appropriated to the support of the civil government and for the contingent expenses thereof, and shall also be charged with the payment of all unsatisfied warrants charged on the said taxes and arrearages of taxes, by the act of the last session

Appropriation thereof.

of assembly, entituled "an act to appropriate the public revenue," of warrants which shall hereafter be issued for expenses attending criminal prosecutions, guards, and slaves condemned and executed; for the shares in the Dismal Swamp Canal, and Appomattox Companies; for the hospital for the cure and maintenance of persons of unsound mind; for the expenses attending the arsenal at the Point of Fork; for carrying into effect the act for establishing arsenals and a manufactory of arms; for the penitentiary house; for the arms directed by law to be procured; for all pensions allowed by this commonwealth; and for salaries allowed by law to certain officers of the militia; of warrants which shall be issued by the auditor of public accounts, in the year one thousand eight hundred; for interest on any debt due by this commonwealth; and for the payment of all sums directed to be paid by the present general assembly, for which no provision has been made.

Deficiencies, how to be supplied.

2. And if the funds herein appropriated to the payment of the officers of the civil government, and of warrants issued by the executive for the contingent purposes thereof; for the hospital for the cure and maintenance of persons of unsound mind; for pensions; for salaries allowed to certain militia officers; and for arms purchased as directed by law, should not be productive early enough for these purposes, it shall be lawful for the executive to direct the treasurer to borrow as much money as shall be deficient, out of any other fund, and to replace the same as soon as possible.

Certificates receivable for arrears of taxes.

3. *And be it further enacted*, That all certificates issued by the treasurer, or by the auditor of public accounts, to individuals for debts due to them by the commonwealth, shall be receivable by the sheriffs or collectors in the collection of all arrearages of taxes due prior to the year one thousand seven hundred and ninety-six, and the said certificates shall be received by the treasurer from the sheriffs or collectors, in discharge of the aforesaid arrearages of taxes. Lists of licenses granted to merchants and to hawkers and pedlars, and directed to be returned to the auditor's office, on or before the first day of October, in every year, shall be made up to the first day of the preceding September, in every year, and the dates of the said licenses, as well as the names of the persons to whom they have been issued, shall be specified in the said lists.

Lists of licenses to merchants &c. how to be made up.

Repealing clause.

4. All acts and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. LIII.

An Act for erecting Warehouses on the James River and Appomattox Canals.

[Passed January 2d, 1801.—Acts of 1800, ch. 23, pa. 14.]

Executive authorised to purchase lots for the erection of the warehouses.

BE *it enacted by the General Assembly*, That the executive of this commonwealth, shall be and they are hereby empowered and required to purchase for the use of the state, one acre of land in or near the city of Richmond, and as near or contiguous to the James river canal as circumstances and convenience will admit; and also one other acre of land in or adjoining the

town of Petersburg, and as near or contiguous to the Appomattox canal, as circumstances and convenience will admit; and on each acre of land so purchased, the executive shall cause to be erected, one or more strong and secure warehouses, of brick or stone, to be covered with slate or tile, as will be sufficient to receive and store, that is to say, the one in or near the city of Richmond, twelve hundred hogsheads of tobacco, inspected at the upland warehouses of this state; and the other in or near the town of Petersburg, as will receive and store six hundred hogsheads of tobacco; and for defraying the expenses of purchasing the lands and erecting and completing the said warehouses, the executive shall direct the auditor of public accounts to issue warrants on the treasurer from time to time, who shall pay the same out of the suplus duty arising on tobacco exported and accruing from and after the thirtieth day of September last. *Provided*, that no lot shall be purchased in the town of Petersburg until the Appomattox canal shall be traced into the said town.

Description of the houses.

How to be paid for.

Proviso.

Executive authorised to appoint superintendants.

2. So soon as the said warehouses or any of them shall be completed and ready to receive tobacco on storage, the executive are hereby authorised and required to appoint one or two superintendants for each warehouse, and the person or persons so appointed shall enter into bond with sufficient security, in the penalty of twenty thousand dollars, payable to the governor of this commonwealth, and his successors, for the time being, with condition for the faithful discharge of the duties required of him by this act; and shall morever take an oath before the executive, "that he will truly and faithfully execute the duties of his office, pursuant to this act, according to the best of his skill and judgment." And in case of the death, resignation, refusal or disability to act of either or any of the said superintendants, the vacancy so produced shall be supplied in the same manner as the original appointment was made.

How vacancies shall be filled.

Salaries of the superintendants.

3. Each superintendant shall be allowed and paid annually, the sum of three hundred dollars for his salary, to be paid out of the surplus fund arising from the duty on tobacco exported.

Duties of the superintendants.

4. It shall be the duty of the superintendants to receive and store such tobacco as shall be inspected and brought from the upland warehouses, in case there be room for the same, and deliver it for exportation when demanded, in manner as prescribed by law for tobacco inspections, receiving for each hogshead previous to the delivery thereof, the sum of fifty cents for storage, to be accounted for and paid in like manner, and subject to the same penalty and recovery as prescribed by law for inspectors relative to duty on tobacco. The superintendants shall respectively reside contiguous to the warehouse, and attend the same from eight o'clock in the morning until four in the evening, during the months of April, May, June, July, August and September; and from nine o'clock in the morning until four in the evening, during the other months in each year, and be subject to the same remedies, penalties, forfeitures and incapacities that inspectors of tobacco are by law liable to for the misfeasance, nonfeasance and malfeasance in office.

Terms of storage of tobacco.

5. The tobacco to be stored pursuant to this act, shall be held under the same regulations and conditions, (excepting the storage and duty) as the tobacco received and inspected at the different warehouses in this state.

6. The superintendants shall keep books of the receipt and delivery of all tobacco stored in their respective warehouses, and note in the said books the state and condition of each hogshead, and those marked in good order shall be delivered in the like good order to the proprietors. Books to state the order of the tobacco at its delivery.

7. The superintendants shall respectively keep sufficient number of hands to store and deliver the tobacco received into the warehouses, and put into good order such hogsheads as are noted in their books to be received in bad order; and for so doing they shall be allowed twenty-five cents for each hogshead, to be paid by the proprietor before or at the delivery thereof; and to prevent disputes respecting the place of delivery, Superintendants to keep a sufficient number of hands.

8. *Be it enacted*, That the tobacco shall be delivered by the superintendants convenient to the door opening next to the public road or street. When the obacco shall be delivered.

9. *And be it further enacted*, That whenever it shall happen that whenever the inspectors of any of the warehouses of Petersburg or Richmond, shall inspect more tobacco than their warehouses can contain, the said surplus tobacco, shall and may be stored in the said store houses, according to the terms of this act. Provision for the storage of surplus tobacco.

10. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. LIV.

An Act to Arm the Militia of certain Towns.

[Passed January 21st, 1801.—Acts of 1800, ch. 45, pa. 24]

1 BE *it enacted by the General Assembly*, That the governor, with the advice of council, be authorised, and he is hereby required, to issue, without delay, arms and accoutrements to the militia residing in the towns of Richmond, Manchester, Petersburg, Norfolk, Hampton, Portsmouth, Suffolk, York, Williamsburg, Fredericksburg, Falmouth, Port-Royal, Dumfries, and Lynchburg, in such proportions as the executive shall deem expedient, provided that the whole number distributed shall not exceed two thousand, out of any arms and accoutrements not already directed by law to be distributed, under the regulations prescribed by the act, entituled "an act, concerning the militia of this commonwealth," passed the 28th day of January, 1800. Arms to be issued for the use of certain towns.

2. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. LV.

An Act authorising the Governor of this Commonwealth, to Cede to the United States, the Jurisdiction over certain Lands on New-Point Comfort, and on Smith's Point, for the purpose of Building Light Houses.

[Passed January 15th, 1802.—Acts of 1801, ch. 6, pa. 9.]

1 BE *it enacted by the General Assembly*, That it shall and may be lawful for the governor of this commonwealth, and he is hereby fully authorised, for and in behalf of this commonwealth, by proper deeds and instruments of writing, under his hand and the seal of the commonwealth, to convey, transfer, assign and make over to the United States, all the jurisdiction which this commonwealth possesses, over so much of the lands lying on New Point Comfort in the county of Mathews, and on Smith's Point in the county of Northumberland, as may be necessary for the erec- Governor to convey lands on New Point Comfort, &c. to U. States.

tion of a light house and the appurtenant buildings thereto, on each of the said points: Provided that a light house shall be erected, kept in repair, and supported at the expense of the United States, on each of the said points.

Lands to revert to the state in certain cases.

2. If a light house shall not be erected on each of the said points, within the space of seven years, after the cession aforesaid by this commonwealth, or if at any time thereafter, the said light house or houses, shall be suffered to fall into decay, or be rendered useless as the purposes aforesaid, and so continue for the period of seven years, then and in those cases, the jurisdiction over such territory hereby directed to be vested in the United States, shall revert to this commonwealth, and be subject to the jurisdiction of the same, in like manner as if this act had never been made. *Provided*, That nothing herein contained, shall be so construed as to prevent the officers of this state from executing any process whatever, within the jurisdiction hereby directed to be ceded to the United States.

Commencement.

3. This act shall commence in force from the passing thereof.

CHAP. LVI.

An Act allowing the additional sum of two and a half per centum to William Bishop, Collector of the Taxes in the County of Princess Anne, for the years 1800 *and* 1801, *and for other purposes.*

[Passed December 28th, 1803.—Acts of 1803, ch. 15, pa. 24.]

Additional allowance to Wm. Bishop, for collection of taxes due 1800 & 1801.

1 BE *it enacted by the General Assembly*, That William Bishop collector of the arrearage of taxes for the county of Princess Anne, for the years one thousand eight hundred, and one thousand eight hundred and one, shall be, and is hereby allowed, two and one half per cent. on his collection for the said in addition to the five per cent. by him already received, and that the auditor of public accounts shall issue a warrant for that purpose.

All collectors allowed the same who pay in the time limited by law.

2. *And be it further enacted*, That all collectors, who now are, or may hereafter be appointed by virtue of the act, entituled "an act to provide more effectually for the collection of the public taxes in certain cases," and who shall, on or before the time appointed by law, pay into the public treasury the full amount of the public revenue due from the counties in which they now, or hereafter may act shall be entitled to the additional compensation of two and an half per centum for the amount thereof, in the same manner as sheriffs are now entitled.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. LVII.

An Act to explain the seventh section of the Act, entituled "an act for erecting Warehouses on the James River and Appomattox Canals.

[Passed January 2d, 1804.—Acts of 1803, ch. 31, pa. 32.]

Their compensation for certain services.

1 BE *it enacted by the General Assembly*, That the seventh section of the act entituled "an act for erecting warehouses on the James river and Appomattox canals," shall be so construed as to give the superintendants twenty five cents for each hogshead of tobacco they shall receive and deliver out, and for all extra services performed by them in putting into good order such hogsheads as are noted in their books to be received in bad order, they shall demand and receive seventeen cents also.

Commencement.

2. This act shall be in force from the passing thereof.

LAWS CONCERNING WASTE AND UNAPPROPRIATED LANDS ON THE EASTERN AND WESTERN WATERS, PASSED SINCE THE ACTS OF MAY 1779, CH. 12, AND 13, (CH. REV. PA. 90, 98.)

[See Chan. Rev. edit. 1785, pa. 111, 122, 132, 139, 142, 143, 149, 157, 169, 179, 206, 217, 219.—See as to original bounties to officers and soldiers, pa. 112.—Allowance increased one third to officers, and an allowance for the first time made to general officers, pa. 135.—Bounties to officers in Virginia line on continental establishment, and regulations for surveying, &c. extended to the state officers.—Cavalry the same advantages as infantry.—Officers and seamen of the navy, the same as in land service, pa. 147.—Officer or soldier, serving three years successively to have an absolute title to bounty; and an additional allowance of one sixth part for every year's service after the sixth year, pa. 167.—Bounties to chaplains, surgeons, and surgeons' mates.—October 1779, ch. 9.]

CHAP. I.

An Act to amend an Act, "For establishing a Land Office, and ascertaining the terms and manner of granting Waste and Unappropriated Lands."

[Acts of May 1784, ch. 10, pa. 7.]

Note.—This act is published in the appendix to this volume, page (86.)

CHAP. II.

An Act to revive and amend in part an Act, entituled "An Act for giving further time to enter Certificates for Settlement Rights, and for Locating Warrants upon Pre-emption Rights, and for other purposes.

[Acts of May 1784, ch. 14, pa. 8.]

1 WHEREAS an act passed in the May session, one thousand seven hundred and eighty-three, entituled, "an act for giving further time to enter certificates for settlement rights, and to locate warrants upon pre-emption rights, and for other purposes," expired, in part, on the first day of June in the present year, and it is necessary that the same should be revived:

2. *Be it enacted*, That the further time of six months, from and after the said first day of June, be allowed for returning all plats and certificates of survey which have not been returned to the register's office within the time limited by law.

3. *And be it further enacted*, That the register of the land office, or his deputy, shall be obliged to receive such plats and certificates of survey; and the lands shall not be liable to forfeiture on account of such failure.

CHAP. III.

An Act concerning Entries and Surveys on the Western Waters.

[Acts of October 1784, ch. 48, pa. 7.]

1 WHEREAS several persons, having early entries and locations for large tracts of land, in order to procrastinate the charge of surveying and the payment of taxes, refuse or neglect to survey them, while others, who have adjacent entries and locations of later date, are desirous to sue out grants and pay taxes for their lands: In aid therefore of the present means to compel surveys upon the said entries,

2. *Be it enacted*, That all entries made in the county surveyors books on the western waters, other than the entries made by virtue of officers and soldiers claims for military services, before the passing of this act, shall be surveyed, and the surveys thereof returned as the law directs on or before the first day of February, one thousand seven hundred and eighty-six; and that all future entries on the said waters, shall be in like manner surveyed and returned within one year after the date of every such entry. If any entry shall not be surveyed and returned within the terms aforesaid, it shall be lawful for any person to enter for and locate the said lands, in like manner as if such prior entry had not been made.

CHAP. IV.

An Act appropriating the Fees of the Land Office in aid of the Public Revenue, and placing the Register, his Deputies and Assistants, on the Civil List.

[Acts of October 1784, ch. 51, pa. 8.]

1 THE profits accruing to the register of the land office being much greater than the legislature expected or intended at the appointment of that officer, and greater than the duties of that office require:

2. *Be it therefore enacted*, That from and after the first day of February next, all the fees thereafter to be received by the register, deputy register, or any other person, for services of every nature and kind whatsoever, to be performed in the land office, shall be accounted for with the auditors, and paid regularly into the treasury, at the end of every six months, in the following manner: The deputy register shall account, on oath, with the register of the land office, for all fees by him received from time to time, and the register of the land office shall in like manner account with the auditors of public accounts for the whole profits, making oath that the fees so accounted for are the whole profits accruing from the said office, so far as he knows or believes, up to the date of such account; and moreover his accounts of fees received shall be fairly stated, and compared by an auditor with the books of his office, before the acount shall be passed. If the register of the land office shall at any time fail to account, according to the directions of this act, for the space of six months, he shall forfeit and pay the sum of ten thousand pounds, to be recovered in the name of the governor or chief magistrate for the time being, in any court of record, by the solicitor, on thirty days previous notice; and if the deputy

register shall at any time fail to account, according to the directions of this act, for the space of six months, he shall forfeit and pay the like sum to the register, to be recovered by him, on thirty days previous notice in like manner; and in both cases the *onus probandi* shall lie on the defendant. The deputy register shall enter into bond and sufficient security to the register, and the register to the governor or chief magistrate for the time being, and his successors, for the due and faithful execution of their respective offices. On receiving each survey into the register's office, the fees established by law, that will accrue on the same, including the issuing of the grant thereupon, shall be paid down; and if either the register or deputy register shall credit any person, they shall account for the fees so credited in the same manner as if they had been received. And that provision may be made for the payment of a salary to the register of the land office, adequate to his services,

3. *Be it further enacted*, That from and after the said first day of February he shall be considered as one of the civil list, and shall have and receive the sum of eleven hundred pounds annually;* and a deputy to reside on the western waters, to be paid also by the public, at the rate of two hundred pounds per annum: All which allowances shall be paid in the same manner as other salaries of the civil list are payable.

4. *And be it further enacted*, That in case of vacancy in the said office, during the recess of the general assembly, the governor, with the advice of council, is hereby authorised and required to supply such vacancy, subject to the future confirmation of the legislature. And whereas, in the cases where surveys are returned into the land office, it may happen that caveats will be entered against some of the surveys, and the person in whose favor the surveys are made may lose the benefit of the surveys by the event of the caveat: To remedy which,

5. *Be it enacted*, That whenever upon a caveat the general court shall determine in favor of the caveator, all the fees he shall pay into the register's office in consequence of such determination, in order to obtain his patent, shall be by the register paid to the person who in the first instance upon the return of the survey hath been compelled to pay the fees.

* Reduced to £. 800 by act of 1785, ch. 16, pa. 14.—To £. 400 by act of 1791: ch. 22, pa. 12.—By act of 1792, (Rev. Code, vol. 1, ch. 58, pa. 58.) the register and his clerks were allowed 1333 dollars per annum.—1795, (Rev. Code, vol. 1, ch. 187, sect. 5, pa. 344, the register allowed £. 300 per annum.—1796 (Rev. Code, vol. 1, ch. 212,) register allowed 1250 dollars.

CHAP. V.

An Act to continue an Act, entituled "an Act to revive and amend in part an Act, entituled an Act for giving further time to enter Certificates for Settlement Rights, and for Locating Warrants upon Pre-emption Rights, and for other purposes."

[Acts of October. 1784, ch. 66, pa. 15.]

WHEREAS it being represented to this present general assembly, that many people within this commonwealth have not received the benefit of an act of the last session of assembly, entituled "an act to revive and amend in part an act, entituled an act for giving

place of holding the courts of the said county, on two several court days, that he will proceed by himself, or one of his deputies, to survey the lands therein mentioned on a certain day which he shall appoint, which day so appointed shall be one month at the least after the notice given or last time of advertising the same. And if any person, or his agent or attorney, as aforesaid, shall fail or neglect to attend the surveyor, with chain carriers, and a person to mark the lines as required by law, on the day appointed for that purpose, such entry shall become void, and the lands liable to be again entered for by any person holding a land warrant; and the surveyor shall return the warrant on which such entry was made, to the person owning the same, or his agent, which may nevertheless be located on any waste or unappropriated lands, or on the same lands, if not already taken by some other warrant. And the owners of entries already made, shall, on or before the said first day of January, appoint some person within the county where the lands lie, or their agent or attorney, who shall give notice of such appointment to the surveyor, within one month thereafter, or on failure thereof, his entry shall become void. *Provided*, That nothing in this or any other act shall extend to forfeit or make void any entry claimed by infants, or prisoners in captivity, but that all such persons shall have three years after their several disabilities are removed, to complete the same: *Provided also*, That, if on the day appointed by the surveyor for the surveying any entry as before directed, he shall be prevented, by accident or other cause, from making the same, such entry shall not, in that case, become void, but the surveyor shall give other notice as often as such cases shall happen. And whereas the principal surveyor of Jefferson county resigned his office in the month of July, in the year one thousand seven hundred and eighty-four, but after such resignation, and before notice thereof could be given at his office, sundry locations and surveys were made with the deputy, and it is just and reasonable to confirm the same:

4. *Be it therefore enacted*, That all such locations and surveys shall, to all intents and purposes, be good and valid, and shall entitle the persons claiming land under the same to the same preference as they would have had, if no such resignation had taken place.

CHAP. X.

An Act to dispose of the Waste and Unappropriated Lands in the Commonwealth of Virginia, on the Eastern Waters.

[Acts of October 1785, ch. 42, pa. 32.]

FOR creating a fund in aid of the annual taxes, to discharge the public debt, *Be it enacted by the General Assembly*, That any person may acquire title to so much waste and unappropriated land, lying within this commonwealth, on the eastern waters, as he shall desire to purchase, on paying the consideration of twenty-five pounds* for every hundred acres, and so in proportion for a greater or smaller quantity, and obtaining certificate from the auditor of public accounts in the following manner: The considera-

* See Rev. Code, vol. 1, ch. 86. sect. 5, pa. 142, the consideration is two dollars per acre without discrimination, except in the case of lands forfeited for the non payment of taxes.

tion money shall be paid into the hands of the treasurer, who shall give to the purchaser a receipt for the payment, specifying the purpose it was made for, which being delivered to the auditor, he shall give to such person a certificate thereof, with the quantity of land he or she is entitled to, and upon lodging the same in the land office, the register thereof shall grant to such person or persons a warrant, authorising the surveyor of the county where the land lies to lay off and survey the same therein, under the like fees, rules, regulations and restrictions, as are directed and prescribed for the issuing, entering, locating, surveying and granting patents on warrants, by the law now in force relative thereto. All fees accruing to the commonwealth, shall be paid into the treasury by the register of the land office, in the same manner, and under the same penalties, as directed in the act appropriating the fees of the land office, in aid of the public revenue, and placing the register, his deputies and assistants, on the civil list; and the said fees, with the money arising on the sales aforesaid, shall be applied by the treasurer in aid of the funds set apart for payment of foreign creditors. *Provided nevertheless*, That nothing herein contained shall be construed to affect any legal entry made before the passing of this act, nor any pre-emption right to marshes or sunken grounds.

CHAP. XI.

An Act for safe keeping the Land Papers of the Northern Neck in the Register's Office.

[Acts of October 1785, ch. 47, pa. 36.]

Note.—This act is published in the appendix to this volume, page (69)

CHAP. XII.

An Act for reviving, continuing and amending an Act to revive and amend in part an Act for giving further time to enter Certificates for Settlement Rights, and for Locating Warrants upon Pre-emption Rights, and for other purposes.

[Acts of 1786, ch. 3, pa. 5.]

1 WHEREAS the act of assembly passed in the year one thousand seven hundred and eighty-four, entituled "an act to revive and amend in part an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes," which was continued by several subsequent acts, did expire on the first day of November last, and it is expedient that the same should be revived, continued, and amended, *Be it therefore enacted*, That the said recited act shall be revived and continue in part, and be in force until the last day of December, one thousand seven hundred and eighty-seven, within which time the register of the land office or his deputy, shall receive all plats and certificates of survey although not returned within the time heretofore limited by law and such lands shall not be considered as forfeited or liable to a forfeiture on that account.

2. And whereas the time allowed by law for entering certificates for settlement rights is expired, and it being adjudged necessary that the same ought to be revived and continued, *Be it therefore*

enacted, That it shall and may be lawful for the surveyors of this commonwealth within their respective counties at any time before the said last day of December, to receive and enter all such certificates, or the attested copies of such as shall be lost, and to proceed to survey the same as the law directs. *Provided*, Such attestation be made by the commissioners who granted the same, or by the clerk of the superior court of the district of Kentucky, or the register of the land office.

Provided also, and be it further enacted, That no county court within this commonwealth shall, after the passing of this act, exercise a power of granting certificates for settlement or pre-emption rights.

3. And whereas sundry persons have been prevented by unavoidable accident from obtaining and entering pre-emption warrants before the register of the land office was prohibited from issuing any more warrants by a resolution of the general assembly, *Be it further enacted*, That all such persons shall be allowed until the said last day of December, to obtain and enter such warrants. And that every person entitled to a pre-emption warrant as aforesaid, shall pay into the public treasury thirteen shillings and four pence for every hundred acres of land in specie or audited certificates in full for the state price heretofore required, which being audited and a certificate thereof produced to the register of the land office, the said register is hereby authorised and directed to issue such warrant to the party entitled to the same or to his assigns.

4. And whereas by sundry acts of assembly entries and surveys on the eastern waters have been hitherto protected from forfeiture, and it is reasonable that a certain time should be limited for surveying such entries and making return thereof to the land office, *Be it therefore enacted*, That the entries for lands on the eastern waters, which have been legally made before the first day of January, in the year one thousand seven hundred and eighty, except entries made within the district of the Northern Neck, shall proceed to survey the same with all practicable dispatch, which surveys, together with those already made and founded upon entries of the above description, shall be returned into the register's office on or before the first day of October, one thousand seven hundred and eighty-eight, and not after, and on failure of such surveys being made and returned on or before the said first day of October, one thousand seven hundred and eighty-eight, such lands are hereby declared vacant and shall be liable to be located in the same manner, as other unappropriated lands within this commonwealth. *And be it enacted*, That the owners of entries for lands within the district of the Northern Neck regularly made before the seventeenth day of October in the year of our lord one thousand seven hundred and eighty-five shall proceed to survey the same, which surveys, together with those already made upon like entries, shall be returned into the register's office on or before the said first day of October one thousand seven hundred and eighty-eight, and on failure such entries are hereby declared void, and the lands liable to be located in the same manner, as other unappropriated lands within the said district. And the composition upon grants issued from the register's office on surveys under entries made as aforesaid may be paid either in specie or audited certificates,

5. And whereas many surveys regularly made and returned into the proprietor's office before the said seventeenth day of October one thousand seven hundred and eighty-five, have been ungranted until they have become forfeited according to the rules of the said office, and it is reasonable the same indulgence should be extended to the people within the said district, as to the other citizens of this commonwealth, *Be it enacted*, That the owners of such surveys may, before the said first day of October one thousand seven hundred and eighty-eight, apply to and obtain from the register grants for the same upon paying the quitrents and composition due thereon in manner aforesaid, and on failure thereof the lands contained in such surveys shall be forfeited and may be granted in the same manner as other unappropriated lands within the said district. And any person possessing high lands within the said district to which any swamps, marshes, or sunken grounds are contiguous and not already appropriated shall have the pre-emption of such swamps, marshes or sunken grounds at the rate of twenty-five pounds by the hundred acres, until the said first day of October one thousand seven hundred and eighty-eight: And if such person shall not obtain a grant for such swamp, marshes, or sunken grounds before that time, then any other person may enter on and obtain a grant for the same in like manner as is directed for other unappropriated lands within the said district. But nothing herein contained shall be construed or extend to give liberty to any person to locate or obtain a grant for any unappropriated swamps, marshes or sunken grounds lying contiguous to the high land of any feme covert, infant, person not being compos mentis, or person out of the commonwealth, but such persons shall be allowed twelve months after the removal of their several disabilities for the pre-emption of such lands.

6. *And be it further enacted*, That where any caveat hath been entered in the proprietor's office of the Northern Neck before the seventeenth day of October in the year of our lord one thousand seven hundred and eighty-five, the person who entered such caveat shall, within twelve months next following, assign the causes thereof in the register's office, and proceed to prosecute the same, and on failure the same shall be taken and deemed dismissed, and a grant for the lands so caveated shall issue to the person, his assignees, or legal representatives, in whose favor the survey was made.

7. And whereas the act passed at the last session of assembly, entituled "an act to dispose of the waste and unappropriated lands in the commonwealth of Virginia on the eastern waters," directs that a composition of twenty-five pounds, for every hundred acres of the said lands should be paid by the person or persons who shall obtain a warrant for the same, *Be it enacted*, That from and after the passing of this act the composition aforesaid may be paid in auditors warrants or audited certificates, any thing in the said recited act to the contrary notwithstanding.

CHAP. XIII.

An Act to amend an Act, entituled an Act to repeal an Act, entituled an Act concerning Entries and Surveys on the Western Waters, and for other purposes,

[Acts of 1786, ch. 11, pa. 14.]

1 WHEREAS the act, entituled "an act to repeal an act, entituled an act concerning entries and surveys on the western waters, and for other purposes" requiring that the owners of entries shall appoint agents or attornies in each county where such entries are made, and notify such appointments to the principal surveyor of the county, by the first day of February, one thousand seven hundred and eighty-seven, and declaring that on failure thereof, such entries shall be void, whereby many of the good people on the western waters, through ignorance of the said recited act, are likely to be injured by a forfeiture of their entries: For remedy whereof,

2. *Be it enacted*, That no entry shall be forfeited under the said recited act, for and during the term of two years, after the passing this act.

CHAP. XIV.

*An Act to legalize the qualification of the late Surveyor of Yohogania County.**

[Acts of 1786, ch. 93, pa. 49.]

1 WHEREAS it is represented to this present general assembly, that Benjamin Johnston was, on the twelfth day of September one thousand seven hundred and eighty-three, legally commissioned surveyor of the county of Yohogania, but as no court was afterwards held in the said county (the extension of the boundary line between this state and Pennsylvania having included in the latter the magistrates, sheriff, and clerk) the said Benjamin Johnston could not qualify to his commission in manner directed by law, yet he entered into bond on the third day of October, in the same year, with two sufficient securities, before the late clerk of Yohogania court, and proceeded to the execution of his office. And whereas doubts have arisen whether the said Benjamin Johnston was legally qualified as surveyor, and thereby, the rights of individuals may be questioned: For remedy whereof,

2. *Be it enacted*, That the bond executed by the said Benjamin Johnston, as surveyor for the said county of Yohogania, before the late clerk of the said county court, shall be as good and valid in law, as if the same had been taken and executed in open court, and that all acts done by the said Benjamin Johnston, as surveyor, shall be as valid as if he had qualified to his commission in manner directed by law. *Provided*, That nothing contained in this act shall be construed so as to affect the rights of any person or persons, their heirs or assigns, claiming title to any of the lands by prior entries, surveys, patents, or pre-emptions.

* This county, on the extension of the western boundary line of Pennsylvania, being too small to form a distinct county, was added to the county of Ohio. See acts of 1785, ch. 69, pa. 36.

CHAP. XV.

An Act for the Preservation of the Entries made for Lands in the District of Kentucky.

[Passed December 20th, 1787.—Acts of 1787, ch. 25, pa. 21.]

1. WHEREAS it has been represented to this general assembly, that the entry books now in possession of the county surveyors respectively, within the district of Kentucky, are from continual use so much worn and defaced, that many entries for lands are scarcely legible, and as the title of many good people of this commonwealth to the lands held by them within the aforesaid district, may eventually depend on their entries for the same;

2. *Be it enacted*, That the surveyor of each county within the district aforesaid, shall transcribe in their regular order, into well bound books, all original entries for lands made in his office since the county took place, whereof he is surveyor. And as it is represented, that the surveyor of Jefferson is in possession of the entry books, containing the entries made in the county of Kentucky, before the division of the same into the counties of Lincoln, Jefferson, and Fayette;

3. *Be it enacted*, That the said surveyor of Jefferson, shall, in like manner, copy all original entries made in the said county of Kentucky, until the division aforesaid took place;

4. *And be it further enacted*, That the books into which the entries shall be so transcribed, shall be furnished to the surveyor by the county lieutenant of each county respectively, to be by him purchased out of the money which now may or hereafter shall be in his hands, arising from militia fines. As so soon as any surveyor shall have copied such entries as aforesaid, he shall give information thereof to the judges of the supreme court of the said district, who shall, and they are hereby authorised and directed, to appoint one or more person or persons, being magistrates in such county, together with such surveyor, carefully to examine the copies so made out, and compare the same with the originals; and shall, together with such surveyor, certify at the end of such book the number of copies of entries therein contained, and that they are faithfully transcribed; which said book or books shall be by them delivered to the clerk of the supreme court of the said district, to be kept in his office, and shall thereafter be deemed a legal record; and all copies therefrom certified by the said clerk, shall be admitted as evidence in any court of record, in the same manner as if taken from the original entry book, and certified by the surveyor of the county.

5. *And be it further enacted*, That each surveyor shall be allowed the sum of four pence halfpenny, for each entry by him copied as aforesaid; for which sum the judges of the supreme court aforesaid, are hereby authorised and required to grant to such surveyor or surveyors, their certificate or certificates, which shall be receivable in payment of all taxes arising in said district.

CHAP. XVI.

An Act for further continuing an Act to revive and amend in part an Act for giving further time to enter Certificates for Settlement Rights, and for Locating Warrants on Pre-emption Rights, and for other purposes.

[Passed 20th December, 1787.—Acts of 1787, ch. 46, pa. 33.]

1 WHEREAS the act of assembly passed in the year one thousand seven hundred and eighty-four, entituled "an act to revive and amend in part an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes," which was continued by several subsequent acts, will expire on the last day of December one thousand seven hundred and eighty-seven, and it is expedient that the same should be further continued in part: *Be it therefore enacted by the General Assembly*, That the said recited act shall be continued in part until the thirty-first day of December one thousand seven hundred and eighty-eight; within which time the register of the land office or his deputy shall receive all plats and certificates of survey, although not returned within the time heretofore limited by law, and such lands shall not be considered as forfeited or liable to forfeiture on that account.

2. And whereas the time allowed by law for entering certificates for settlement rights, will expire on the last day of December one thousand seven hundred and eighty-seven, and it is judged expedient to continue the same, *Be it therefore enacted*, That it shall and may be lawful for the surveyors of this commonwealth within their respective counties at any time before the said thirty-first day of December in the year aforesaid to receive and enter all such certificates or the attested copies of such as shall be lost, and to proceed to survey the same as the law directs: *Provided*, such attestation be made by the commissioners who granted the same, or by the clerk of the superior court of the district of Kentucky, or the register of the land office.

3. *And be it farther enacted*, That any person who hath obtained, or shall obtain a pre-emption warrant before the last day of December in the present year, shall be allowed until the last day of June one thousand seven hundred and eighty-eight to enter the same with the surveyor of the county in which the land may lie; and all warrants so obtained, with the entry and survey thereupon, shall be good and valid in law, any act or acts to the contrary notwithstanding.

CHAP. XVII.

An Act for further continuing the Act entituled "an Act for the better Regulating and Collecting certain Officers Fees and for other purposes therein mentioned."

[Passed January 3d, 1788.—Acts of 1787, ch. 52, pa. 36.]

Note.—So much of this act as relates to surveyors and remains in force, is incorporated in the Rev. Code, vol. 1, ch. 86, sects 38, 54.

CHAP. XVIII.

*An Act appropriating one sixth of the Surveyors' Fees in the Kentucky District, to the use of the Transylvania Seminary.**

[Passed December 13th, 1787.—Acts of 1787, ch. 96, pa. 47.]

1 BE *it enacted by the General Assembly*, That the one-sixth of the surveyors' fees hereafter arising, within that part of this commonwealth, called and known by the name of the Kentucky district, instead of being paid to the professors of William and Mary College, shall be paid by the surveyors thereof, to the trustees of the Translyvania seminary, to be by them applied to the use of the said seminary, to be accounted for by the surveyors within the said district, and recovered by the said trustees in like manner as they were accounted for and recovered by the said professors: Any law, usage or custom to the contrary thereof, notwithstanding.

* Amended as to the collection of the surveyors' fees, by acts of 1792, ch. 52, pa. 34, and 1791, ch. 50, pa. 22.

CHAP. XIX.

An Act for giving further time to the Owners of Surveys to return the Plats and Certificates thereof into the Land Office.

[Passed November 21st, 1788.—Acts of 1788, ch. 20, pa. 12.]

1 WHEREAS the law authorising the register of the land office, to receive into his office plats and certificates of surveys that have been or shall be made, will expire on the last day of December, one thousand seven hundred and eighty-eight, and it is represented to this general assembly that many persons through unavoidable accidents have been prevented from returning their plats and certificates aforesaid, to the register of the land office, whereby their lands may be forfeited: For remedy whereof, *Be it enacted by the General Assembly*, That the further time of two years, after the passing of this act, shall be allowed for returning the same, within which time the register of the land office, or his deputy, shall receive all plats and certificates of survey, although not returned within the time heretofore limited by law; and such lands shall not be considered as forfeited, or liable to forfeiture, on that account.

2. And whereas by an act passed in the year, one thousand seven hundred and eighty-six, entituled "an act for reviving, continuing, and amending an act, to revive and amend in part an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes," the owners of entries and surveys on the eastern waters were required to survey the said entries and return the said surveys on or before the first day of October, one thousand seven hundred and eighty-eight, and it is expedient that a further time should be allowed them to comply with the requisitions of the said act: *Be it therefore enacted by the General Assembly*, That so much of the said recited act, as relates to the entries and surveys of lands on the eastern waters, shall continue and be in force until the thirty-first day of December, one thousand seven hundred and ninety.

CHAP. XX.

An Act giving further time to the Owners of Entries on the Western Waters to Survey the same.

[Passed November 21st, 1788.—Acts of 1788, ch. 21, pa. 13.]

1 WHEREAS the act passed in the year of our lord, one thousand seven hundred and eighty-five, entituled "an act to repeal an act, entituled "an act concerning entries and surveys on the western waters, and for other purposes," directed that owners of entries on the western waters should appoint agents or attornies in each county where such entries were made, and notify such appointments to the principal surveyor of the county, by the first day of February, one thousand seven hundred and eighty-seven, and declared that on failure thereof such entries should be void.

2. And whereas by an act passed in the year of our lord, one thousand seven hundred and eighty-six, it was declared that no entry should be forfeited under the above recited act, for and during the term of two years, which will expire during the present session of assembly, and it is expedient that the same should be further continued: *Be it therefore enacted by the General Assembly*, That the further time of two years, shall be allowed to the owners of entries on the western waters to comply with the requisitions of the above recited act, during which time no such entry shall be forfeited.

CHAP. XXI.

An Act to regulate Surveyors' Fees, in certain cases.

[Passed December 25th, 1788.—Acts of 1788, ch. 51, pa. 22.]

WHEREAS it hath been represented to this present general assembly, that no particular mode hath been prescribed upon the division of any county within this commonwealth, for the surveyor of the new county to obtain the entries of lands within the same, in consequence of which many disputes have arisen: For remedy whereof, *Be it enacted*, That the surveyor, or surveyors, of any county or counties, from which a new county hath been taken during the present session of assembly, or hereafter shall be taken, shall, within one month after such division takes place, make out, and on application, deliver to the surveyor of the new county, attested copies of all entries made upon lands within such new county, on his books, and not surveyed, together with the warrants upon which they were founded; for which service he shall receive three pence for every such attested copy, paid by the surveyor of the new county, upon receipt of said attested copies. And in case any surveyor shall neglect or refuse to make out, or to deliver, such attested copies of entries, within the time aforesaid, or at the expiration of said time, upon the application of the surveyor of the new county, he shall forfeit, and pay, the sum of fifty pounds, to be recovered by action of debt, or information, in any court of record, by any person who will sue for the same; any law to the contrary notwithstanding.

CHAP. XXII.

An Act giving further time to the Owners of Entries on the Western Waters to Survey the same.

[Passed November 8th, 1790.—Acts of 1790, ch. 10, pa. 7.]

WHEREAS the act of assembly passed in the year of our lord one thousand seven hundred and eighty-five, entituled "an act to repeal an act entituled an act concerning entries and surveys on the western waters, and for other purposes," which was continued by a subsequent act, will expire during the present session of assembly, and it is expedient, that the same should be further continued: *Be it therefore enacted by the General Assembly*, That the further time of two years shall be allowed to the owners of entries on the western waters, to comply with the requisitions of the above recited act, during which time, no such entry shall be forfeited.

Preamble.

Entries on the western waters when to be surveyed.

CHAP. XXIII.

An Act for giving further time to the Owners of Surveys to return the Plats and Certificates thereof into the Land Office.

[Passed November 8th, 1790.—Acts of 1790, ch. 14, pa. 8.]

1 WHEREAS the law authorising the register of the land office to receive into his office plats and certificates of surveys, that have been or shall be made, will expire on the last day of December one thousand seven hundred and ninety, and it is represented to this general assembly, that many persons through unavoidable accidents have been prevented from returning their plats and certificates aforesaid to the register of the land office, whereby their lands may be forfeited: For remedy whereof, *Be it enacted by the General Assembly*, That the further time of nine months after the passing of this act, shall be allowed for returning the same, within which time the register of the land office or his deputy, shall receive all plats and certificates of survey, although not returned within the time heretofore limited by law; and such lands shall not be considered as forfeited, or liable to forfeiture on that account.

Preamble.

When certificates of surveys on the western waters must be returned.

2. And whereas the act of assembly passed in the year one thousand seven hundred and eighty-six, entituled "an act for reviving, continuing and amending an act, to revive and amend in part an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights and for other purposes," which was continued by a subsequent act, will expire on the thirty-first day of December one thousand seven hundred and ninety, and it is expedient, that the owners of entries and surveys on the eastern waters should be allowed a further time to comply with the requisitions of the said act. *Be it therefore enacted by the General Assembly*, That so much of the said recited act, as relates to the entries and surveys of land on the eastern waters shall continue and be in force until the thirty-first day of May, one thousand seven hundred and ninety-one.

Entries and surveys on the eastern waters.

CHAP. XXIV.

An Act giving further time to the Owners of Surveys to return the Plats and Certificates thereof into the Land Office.

[Passed November 7th, 1791.—Acts of 1791, ch. 4, pa. 5.]

Preamble.

WHEREAS it hath been represented, that the time allowed by the act of the last session, entituled, "an act for giving further time to the owners of surveys, to return the plats and certificates thereof into the land office," was not sufficient to comply with the purposes thereof; and application hath been made to this assembly, to extend the time: *Be it therefore enacted*, That the further time of two years, to be computed from the expiration of the period mentioned in the said recited act, shall be allowed for returning all plats and certificates of surveys on the western waters, and the further time of twelve months from the time of passing this act, shall be allowed for returning all plats and certificates of surveys on the eastern waters, to the register of the land office, who shall receive the same, and such lands shall not be considered as forfeited, or liable to forfeiture; any law to the contrary thereof notwithstanding.

Plats of surveys on the western waters, when to be returned; when on the eastern waters.

CHAP. XXV.

An Act respecting the Deputy Register's Office in the District of Kentucky.

[Passed December 17th, 1791.—Acts of 1791, ch. 19, pa. 11.]

Certain plats of surveys to be retained by the deputy register in his office.

1 BE *it enacted by the General Assembly*, That the deputy register of the district of Kentucky, shall retain in his office all plats and certificates of surveys which are now, or which shall come into his office before the first day of June next, there to remain until the general assembly of Kentucky shall give directions respecting them.

Commencement of the act.

2. This act shall commence and be in force from the passage thereof.

CHAP. XXVI.

An Act reducing into one, the several Acts concerning the Fees of certain Officers, and declaring the mode of discharging the said Fees and County Levies.

[Passed December 19th, 1792.—Acts of 1792, ch. 6, pa. 23.]

Note.—This act is published in the Rev. Code, vol. 1, ch. 115, pa. 211. The fees to the register therein mentioned have been altered by an act of the session of 1804. See ch. 64, pa. 86, of this volume.

CHAP. XXVII.

An Act giving further time to the Owners of Surveys to return the Plats and Certificates thereof into the Land Office.

[Passed November 15th, 1792.—Acts of 1792, ch. 7, pa. 31.]

Preamble.

1 WHEREAS it hath been represented that the time allowed by the act of the last session for the owners of surveys to return their plats and certificates into the land office, will not be sufficient to comply with the purposes thereof, and it is expedient to extend such time: *Be it therefore enacted, by the General As-*

sembly; That the further time of one year and five months, to be computed from the month of July next, shall be allowed to the owners of surveys on the western waters, and the further time of twelve months from the passing of this act, shall be allowed the owners of surveys on the eastern waters, for returning all plats and certificates of surveys to the register of the land office, who shall receive the same. Any law to the contrary notwithstanding.

Surveys on the western waters when to be returned.

When on the eastern waters.

2. This act shall commence and be in force from and after the passing thereof.

Commencement of this act.

CHAP. XXVIII.

An Act giving further time to the Owners of Entries on the Western Waters, to Survey the same.

[Passed October 12th, 1792.—Acts of 1792, ch. 8, pa. 31.]

WHEREAS the time limited by law for the owners of entries on the western waters to survey the same, will expire during the present session of assembly, and it is expedient that a further time should be allowed such owners to comply with the requisitions of the acts of assembly, in such case made: *Be it therefore enacted, by the General Assembly*, That the further time of two years, shall be allowed to the owners of entries on the western waters, to survey the same, in such manner as is directed by law. Any thing to the contrary hereof notwithstanding.

Preamble.

Entries on the western waters, within what time to be surveyed.

CHAP. XXIX.

An Act for the relief of Persons owning Surveys returned to the Register's Office, on which no Patents can issue in consequence of the erection of Kentucky into an Independent State.

[Passed December 17th, 1792.—Acts of 1792, ch. 23, pa. 83.]

WHEREAS it is represented, that many persons previous to the erection of Kentucky into an independent state, have returned into the register's office of this state, plats and certificates of surveys of land, lying in the now district of Kentucky, and which cannot now be passed into grants, by reason of the erection of the said district into an independent state: For remedy whereof,

Preamble.

2. *Be it enacted*, That the register of the land office shall, and he is hereby required, on application of the owners of such surveys, to deliver the same to him or his assigns; and the treasurer is also required to refund to the owners of such surveys, the sums of money or certificates paid by such owner or owners for the said grants, in order that they respectively be entitled to their locations in the state of Kentucky.

Register to deliver certain surveys to the owners.

CHAP. XXX.

An Act giving further time to the Owners of Certificates and Plats of Survey on the Eastern Waters, to return the same to the Register of the Land Office.

[Passed December 10th, 1793.—Acts of 1793, ch. 11, pa. 22.]

WHEREAS it hath been represented, that the time allowed by the act of the last assembly, for the owners of surveys on the eastern waters to return their plats and certificates into the land office, will not be sufficient to comply with the purposes thereof, and it is expedient to extend such time:

Preamble.

Further time allowed for returning surveys.

2. *Be it therefore enacted by the General Assembly*, That the further time of six months, to be computed from the fifteenth day of November, one thousand seven hundred and ninety-three, shall be allowed to the owners of surveys on the eastern waters, for returning all plats and certificates of survey made on locations under the commonwealth's land warrants, prior to the fifteenth day of November, one thousand seven hundred and ninety-two, to the register of the land office, who shall receive the same; any law to the contrary, notwithstanding.

Commencement of this act.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXI.

An Act to authorise the Register of the Land Office to deliver the original Title Papers, respecting Lands in the State of Kentucky.

[Passed November 11th, 1793.—Acts of 1793, ch. 16, pa. 25.]

Register to deliver title papers to lands in Kentucky to the agent of that state.

BE *it enacted*, That the register of the land office do deliver to any person or persons whom the executive of this state shall certify to him to be officially appointed by the state of Kentucky, all original papers now being in the land office, respecting the titles of lands within the said state.

Kentucky agent authorised to take copies of records respecting lands in that state, and of the commissioners books; which shall be attested by the register.

2. *And be it further enacted*, That any person or persons who may be appointed by the state of Kentucky, shall have free access to the records in the land office and to the commissioners' books, and be at full liberty, at the expense of the said state, to make a fair copy or copies of all records that relate to the title for lands within the said state, and of the said commissioners' books, which copy or copies shall be certified and subscribed by the register of the land office, who shall thereunto affix his seal of office. *Provided*, That the state of Kentucky shall be at no expense for the register's certifying and examining the same.

Commencement of this act.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXII.

An Act giving further time to the Owners of certain Surveys to return the Plats and Certificates thereof into the Land Office, and a further time to the Owners of Entries on the Western Waters to Survey the same.

[Passed December 19th, 1794.—Acts of 1794, ch. 11, pa. 9.]

Further time allowed for returning surveys on the western waters.
On the eastern waters.

1 BE *it enacted by the General Assembly*, That the further time of one year from the thirty-first day of December in the present year, shall be allowed the owners of surveys on the western waters, and from the fifteenth day of May last, until the thirty first day of December, one thousand seven hundred and ninety-five, shall be allowed the owners of surveys on the eastern waters for returning all plats and certificates of surveys to the register of the land office, who shall receive the same, and such lands shall not be considered as forfeited or liable to forfeiture; any law to the contrary notwithstanding.

2. *And be it further enacted*, That the further time of two years, to be computed from the first day of November last, shall be allowed to the owners of entries on the western waters to survey the same, in such manner as is directed by law. For surveying entries on the western waters.

3. *Provided always*, That nothing contained in this act, shall be taken to invalidate any right which shall have been acquired under the laws of this commonwealth, previous to the passing of this act. Rights of others saved.

4. *And be it further enacted*, That all surveys founded on land warrants, and which shall not be returned to the register of the land office, and the office fees paid thereon, within the periods aforesaid, shall thereafter be subject to caveat, and in all respects proceeded on in the manner prescribed by the act, entitled, "an act for reducing into one, the several acts concerning the land office, ascertaining the terms and manner of granting waste and unappropriated lands, for settling the titles and bounds of lands, directing the mode of processioning, and prescribing the duty of surveyors;" but nothing in this act contained, shall be so construed as to prevent the register of the land office from receiving plats and certificates of survey, founded on land warrants, at any time previous to a caveat being entered against the same for such default, and being so returned to the register, and the fees paid thereon, such surveys shall not thereafter be liable to forfeiture on account thereof, although the same may not have been returned within the time prescribed by law. Surveys on land warrants not returned in time, may be caveated. But may be received after the time has expired where no caveat is entered.

5. *Be it enacted*, That so much of this act as relates to lands on the eastern waters, shall be so construed as only to authorise the register of the land office, to receive plats and certificates of survey made on locations, under the commonwealth's land warrants. This act as to the eastern waters, to relate only to surveys on land warrants.

6. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

CHAP. XXXIII.

An Act concerning the Register of the Land Office.

[Passed December 26th, 1794.—Acts of 1794, ch. 13, pa. 10.]

1 BE *it enacted by the General Assembly*, That the executive may, if they think it necessary, authorise the register of the land office to appoint two clerks, who shall be allowed an annual salary of one hundred pounds each, to be paid in the same manner as the salaries of the officers of civil government are paid. When he may appoint two clerks to be paid by the public.

2. *And be it enacted*, That it shall be the duty of the present register to make out grants on those plats which have been returned to the land office in the time of the former register, and which have lain in the office the time required by law. Grants to be issued by the register, on plats returned in the time of his predecessor.

3. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

CHAP. XXXIV.

An Act to repeal the third Section of an Act, entituled "an Act to ascertain the mode of obtaining Grants to certain Lands on the Western Waters."

[Passed December 25th, 1794.—Acts of 1794, ch. 20, pa. 14.]

Note.—This act is published in the appendix to this volume, ch. 33 pa. (124)

CHAP. XXXV.

An Act to amend the Act for reducing into one, the several Acts concerning the Land Office, ascertaining the terms and manner of granting waste and unappropriated Lands, settling the Titles and bounds of Lands, directing the mode of processioning, and prescribing the duty of surveyors.

[Passed December 28th, 1795.—Acts of 1795, ch. 9, pa. 14.]

Note.—This act is published in the Rev. Code, vol. 1, ch. 187, pa. 344.

CHAP. XXXVI.

An Act giving a further time to the Owners of Entries on the Western Waters to Survey the same.

[Passed December 3d, 1795.—Acts of 1795, ch. 22, pa. 22.]

Owners of entries on western waters allowed further time to survey the same.

1 BE *it enacted by the General Assembly*, That the further time of one year to be computed from the first day of November, one thousand seven hundred and ninety-six, shall be allowed to the owners of entries on the western waters, to survey the same in such manner as is directed by law.

Commencement of this act

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXVII.

An Act to amend an Act, entituled, "an Act to amend the Act, for reducing into one, the several Acts concerning the Land Office, ascertaining the terms and manner of granting Waste and Unappropriated Lands, for Settling the Title and Bounds of Lands, directing the mode of Processioning, and prescribing the Duty of Surveyors."

[Passed November 18th, 1796.—Acts of 1796, ch. 24, pa. 20.]

Note.—This act is published in the Rev. Code, vol. 1, ch. 215, pa. 370.

CHAP. XXXVIII.

An Act giving further time to the Owners of certain Surveys, to return the Plats and Certificates thereof into the Land Office, and a further time to the Owners of Entries on the Western Waters, to Survey the same.

[Passed December 13th, 1796.—Acts of 1796, ch. 47, pa. 29.]

Twelve months allowed to return plats & certificates of survey; which shall be void if not duly returned.

1 BE *it enacted by the General Assembly*, That the further time of twelve months, to be computed from the thirty-first day of December next, shall be allowed the owners of surveys of lands on the western waters, and the further time of twelve months, to be computed from the said thirty-first day of December, to the owners of surveys of lands on the eastern waters, for returning all

plats and certificates of surveys, to the register of the land office, who shall receive the same; and all plats and certificates of survey aforesaid, not returned within the period aforesaid, are hereby declared to be absolutely null and void, and the lands included in said surveys, subject to another location.

2. *And be it further enacted*, That so much of this act, as relates to lands on the eastern waters, shall be so construed, as only to authorise the register of the land office, to receive plats and certificates of surveys, made on locations under the commonwealth's land warrants. Act relating to lands on eastern waters how construed.

3. *And be it further enacted*, That all entries made either on the eastern or western waters, shall become absolutely null and void, unless the same be surveyed within two years, to be computed from the first day of November last; and that all entries hereafter made, shall become void, unless surveyed within two years after their date, and the lands subject to another location. All entries shall be void unless surveyed within two years.

4. This act shall commence and be in force from and after the passing thereof. Commencement of this act.

CHAP. XXXIX.

An Act concerning the Title of the Commonwealth to Lands which have been settled more than thirty years.

[Passed January 24th, 1798.—Acts of 1797, ch. 10, pa. 9.]

Note.—This act is published in the Rev. Code, vol. 1, ch. 228, pa. 378.

CHAP. XL.

An Act giving further time to the Owners of certain Surveys, to return the Plats and Certificates thereof into the Land Office.

[Passed January 6th, 1798.—Acts of 1797, ch. 17, pa. 13.]

BE *it enacted by the General Assembly*, That the further time of twelve months, to be computed from the thirty-first day of December, one thousand seven hundred and ninety-seven, shall be allowed the owners of surveys of lands on the eastern and western waters, for returning all plats and certificates of surveys, to the register of the land office, who shall receive the same; and all plats and certificates of surveys aforesaid not returned within the period aforesaid, are hereby declared to be absolutely null and void, and the lands included in the said surveys, subject to another location. *Provided always*, That the warrant upon which such forfeited survey is founded, shall be returned to the person having right thereto; saving to infants, femes covert, persons non compos mentis, imprisoned, or beyond sea, the right of returning such plats and certificates of survey as above recited to the register's office, according to the terms of this act, within one year after their respective disabilities are removed. Further time allowed to return plats and certificates of survey to the register's office. Proviso. Saving clause.

Construction of this act as to lands on eastern waters.

2. *And be it further enacted*, That so much of this act as relates to lands on the eastern waters, shall be so construed as only to authorise the register of the land office to receive plats and certificates of surveys made on locations under the commonwealth's land warrants.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XLI.

An Act authorising the Register of the Land Office to deliver original Plats and Certificates of Survey, in certain cases.

[Passed January 11th, 1798.—Acts of 1797, ch. 44, pa. 27.]

Note.—This act is published in the Rev. Code, vol. 1, ch. 237, pa. 382.

CHAP. XLII.

An Act allowing a further time to the Owners of certain Entries of Lands to Survey the same.

[Passed January 24th, 1799.—Acts of 1798, ch. 20, pa. 14.]

Further time allowed owners of entries legally made on lands to survey the same. Proviso.

1 BE *it enacted by the General Assembly*, That the further time of one year, to be computed from the first day of November last, shall be allowed the owners of entries legally made of lands, under the commonwealth's land office treasury warrants, to survey the same. *Provided always*, That nothing herein contained, shall be so construed as to invalidate any right, which shall have been acquired in, or to any of the said lands under the laws of this commonwealth, previous to the passing of this act.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XLIII.

An Act for continuing the Act, entituled an Act, giving further time to the Owners of certain Surveys, to return the Plats and Certificates thereof into the Land Office.

[Passed December 21st, 1798.—Acts of 1798, ch. 27, pa. 15.]

Further time allowed owners of certain surveys, to return the plats and certificates thereof into the land office.

1 BE *it enacted by the General Assembly*, That the act passed at the last session, entituled, "an act giving further time to the owners of certain surveys, to return the plats and certificates thereof into the land office," shall be, and the same is hereby continued in force from the expiration thereof, until the first day of September, in the year one thousand seven hundred and ninety-nine.

Commencement.

2. This act shall commence and be in force from the passing thereof.

CHAP. XLIV.

An Act allowing a further time to the Owners of certain Entries of Lands to Survey the same.

[Passed January 28th, 1800.—Acts of 1799, ch. 50, pa. 27.]

1 BE *it enacted by the General Assembly*, That the act passed at the last session entituled, "an act allowing a further time to the owners of certain entries of lands to survey the same," shall be, and is hereby continued in force until the first day of June next. And that an act giving further time to return plats and certificates of survey into the land office, shall be, and the same is hereby continued in force until the first day of June next; *Provided*, That nothing herein contained shall be so construed as to affect any locations made since the expiration of the said recited acts.

Further time allowed to survey certain entries.

To return plats &c. into the land office.

2. This act shall commence and be in force from the passing thereof.

CHAP. XLV.

An Act to amend the Sixth Section of the Act for reducing into one the several Acts concerning the Land Office, ascertaining the terms and manner of Granting Waste and Unappropriated Land, for settling the Titles and Bounds of Lands, directing the mode of processioning and prescribing the duty of Surveyors.

[Passed January 15th, 1802.—Acts of 1801, ch. 7, pa. 10.]

Note.—This act is published in the Rev. Code, vol. 1, ch. 290, pa. 423.

CHAP. XLVI.

An Act to amend the Act, for reducing into one the several Acts concerning the Land Office, ascertaining the terms and manner of Granting Waste and Unappropriated Lands, directing the mode of processioning, and prescribing the duty of Surveyors.

[Passed February 2d, 1804.—Acts of 1803, ch. 110, pa. 71.]

Note.—This act is published in this volume, ch. 44, pa. 72.

CHAP. XLVII.

An Act concerning the Land Office.

[Passed January 31st, 1805.—Acts of 1804, ch. 17, pa. 12.]

Note.—This act merely respects the fees of the register of the land office, and provides that he shall be chosen annually by joint ballot of both houses of the general assembly. The act is published in this volume, ch. 62, pa. 86.

[Acts of 1792, ch. 56, pa. 96.]

Public Ferries shall be constantly kept at the following places, and at the Rates annexed to each Ferry.

	For a man Cents.	For a horse Cents.
From Adam Minear's, in Harrison county, across Tyger Valley river, to the opposite shore,	4	4
From William Morton's, in Charlotte county, across Staunton river, to Joel Watkins's, in Halifax,	4	4
From Jonathan Zane's across Ohio river, to the opposite shore,	5	5
From John Horseley's in Buckingham, across Fluvanna river, to the said Horseley's land on the opposite shore in Amherst,	4	4
From Samuel Anglin's, across Monongalia river, to William Anglin's, on the opposite shore,	4	4
From Edward M'Shan's, in Berkeley, across Potowmack river to the Iron works in the state of Maryland,	5	5

[Acts of 1793, ch. 41, pa. 38.]

From John Richards's, in Monongalia county, across Cheat river, to Lewis Rogers's, on the opposite shore,	4	4

[Acts of 1794, ch. 43, pa. 26.]

From David Miner's, in the Horse Shoe settlement, across Cheat river to the mouth of Clover run,	4	4
From George Lumpkin's, across Dan river, to Thomas Worsham's, in Pittsylvania,	4	4
From George Jones's, in Grayson, across New river, to James Jones's, on the opposite shore,	4	4
From William Cannon's, in Buckingham, across James river, to Richard Cocke's,	4	4
From Joseph Sommerville's, in Monongalia, across Tyger Valley river, to John Nixon's,	4	4
From James Addair's, in Montgomery, across New river, to James Craig's, on the opposite shore,	5	5
From William Morris's, in Kanawha, across Gauly river, to his land on the opposite shore,	5	5
From George Clendinen's, across Elk river, to Andrew Donnally's and James Robertson's,	5	5
From George Clendinen's, across Great Kanawha, to Childers's,	5	5

[Acts of 1795, ch. 47, pa. 42.]

From Henry Leybrooke's in Montgomery, across New river, to his land on the opposite shore,	6	6
From William Hill's, in Harrison, across Tyger Valley river, to Stokeley Little's on the opposite shore,	4	4
From Thomas E. Randolph's, in Goochland, across James river, to Samuel H. Saunders's, adjoining the town of Jefferson,	4	4

	For a man Cents.	For a horse Cents.
From Collin Cocke's, in Prince George, across James river, to Collier Harrison's, on the opposite shore,	17	17
From John Alderson's, in Greenbrier, across Greenbrier river, to William Morris's, on the opposite shore,	6	6
From the landing of Fauntleroy in Richmond county across Rappahannock river, to Tappahannock,	17	17
From Sarah Hooe's landing in King George county, across Potowmac river, to Cedar Point in Maryland,	50	50

[Acts of 1796, ch. 49, pa. 30.]

From Alexander M'Intire's, in Monongalia, across Monongalia river, to Coleby Chew's, on the opposite shore,	4	4
From Thomas Bennett's, in Hampshire, across Potowmac river, to David Miskimmins's, on the opposite shore in Maryland,	6	6
From John Beard's in Ohio, across Ohio river, to the opposite shore,	8	8
From Charles Callaway's, in Pittsylvania, across Staunton river, to James Callaway's,	4	4
From John Stricker's, in Ohio, across Ohio river, to the opposite shore, above the mouth of M'Mahan's creek,	8	8
From George Thomas's, in Pittsylvania, across Dan river, to John Lewis's, in Halifax,	4	4
From John Henderson's, dec. in Greenbrier, across New river, to John Toney's, on the opposite shore,	6	6
From William Staples's, at the mouth of Stonewall creek, in Campbell, across James river, to Joseph Mayo's, on the opposite shore,	4	4
From Henry Thomson's, in Harrison, across Tyger Valley river, to Henry Banks's,	4	4
From John Cuppy's, below the mouth of Tumblinson's run, in Ohio, across Ohio river,	8	8
From Joseph Liggon's, in Halifax, across Dan river, to John Wilson's, on the opposite shore,	4	4
From Baldwin Dade's, in Fairfax, across Potomac river, to the opposite shore,	12 1-2	12 1-2
From the said Baldwin Dade's, to the city of Washington, in the state of Maryland,	37 1-2	37 1-2
From John Coffman's, in Shenandoah, across the South fork of Shenandoah river, to Abraham Strickler's,	6	6
From John Evans, jun'rs', and Benjamin Reeder's, in Monongalia, across Monongalia river, at the mouth of Pawpa creek, to Josiah Prickett's,	4	4
From Westover, across James river, to Maycox's, or Coggin's point,	17	17
From Shirley to Bermuda Hundred,	14	14
The ferries from the land of Edward Cox, called Kingsland ferry, across James river, and also the ferry from William Galt's in Campbell, across the said river, discontinued.		

	For a man Cents.	For a horse Cents.
[Acts of 1797, ch. 61, pa. 35.]		
From Walter Denny's, in Ohio, across Ohio river, to Andrew Woods's, on the opposite shore,	8	8
From Joseph Tomlinson's, in Ohio, at the mouth of Little Grave creek, across Ohio river, to the opposite shore,	8	8
From John Atkinson's, in Ohio, across Ohio river, to David Cloyd's, on the opposite shore,	8	8
From John Nicholls's, in Ohio, across Ohio river, to the opposite shore,	8	8
From John Southerlin's, in Pittsylvania, across Dan river, to his land on the opposite shore,	4	4
From the land of John Stokeley, in Harrison, across Little Kanawha river, to his land on the opposite shore,	4	4

[Acts of 1797, ch. 63, pa. 36.]

"In lieu of the rates heretofore allowed by law to the ferry from the land of the heirs of John Bowdoin, in the county of Northampton, to the towns of York, Hampton and Norfolk, the following rates shall be established, and no more: For a man or horse passing singly, five dollars; for a man or horse, if there be more than one, and less than five, three dollars fifty cents; where there are more than four, three dollars; for every coach, chariot or waggon, and the driver thereof, the same as for five horses; for every two wheeled chaise, or chair, the same as for two horses."

"It shall not be lawful for any person of the counties of Accomack and Northampton, for any reward or promise thereof, to set over the said bay of Chesapeake, to either of the said towns of York, Hampton, or Norfolk, or other place adjacent to the said towns, any person or persons, their horses or carriages; and he or she offending herein, shall forfeit and pay for every such offence, the penalty of twenty dollars, to be recovered by information or petition, in any court of record within this commonwealth, by the keeper of the said ferry: *Provided nevertheless*, That this act shall not be construed to prevent the inhabitants of Accomack from conveying each other across the said bay of Chesapeake."

[Acts of 1797, ch. 64, pa. 36.]

From Samuel Pannell's, in Campbell, across Staunton river, to Joseph Echols' dec. in Halifax,	4	4

"The keeper of the ferry from the land of Peter Light, in the county of Berkeley, across Potowmac river, shall be allowed eight cents for a man and the same for a horse, instead of the rates heretofore allowed by law."

	For a man Cents.	For a horse Cents.
[Acts of 1798, ch. 38, pa. 19.]		
"In lieu of the rates heretofore allowed by law to the ferry from the lands of the heirs of John Bowdoin, in the county of Northampton, to the towns of York, Hampton and Norfolk, the following rates shall be established and no more: For a man or horse passing singly, five dollars; for a man or horse if there be more than one, three dollars; for every coach, chariot, or waggon, and the driver thereof, the same as for five horses; for every two wheeled chaise, or chair, the same as for two horses."		
[Acts of 1798, ch. 39, pa. 20.]		
From Ebenezer Zane's, in Ohio, across Ohio river, opposite to Wheeling island,	10	10
From Josiah Gamble's in Brooke, across Ohio river, to the opposite shore,	8 1-3	8 1-3
From William George's, in Lee, across Clinch river, to the opposite shore,	6 1-4	6 1-4
From Gabriel Chrisman's, in Lee, across Powell's river, to the opposite shore,	6 1-4	6 1-4
From Thomas East's, dec. in Pittsylvania, across Staunton river, to John Brown's, in Campbell,	4	4
From Edward Hart's, in Randolph, across Tyger, Valley river, to his land on the opposite shore,	4 1-6	4 1-6
From Peter Johnston's, in Harrison, across Tyger Valley river, to Charles Gallahur's, on the opposite shore,	4 1-6	4 1-6
From John Welch's, at the Island ford, in Grayson, across New river, to his land on the opposite shore,	6 1-4	6 1-4
From Obadiah Smith's, in Mecklenburg, across Dan river, to the opposite shore in Halifax,	4	4
From Richard Wells's, in Brooke, across Ohio river, to the opposite shore,	8 1-3	8 1-3
From George Edgenton's, in Brooke, across Ohio river, to the opposite shore,	8 1-3	8 1-3
From George Woodson's, in Henrico, at Four mile creek, across James river, instead of the rates heretofore allowed,	10	10
From George Jones's, in Grayson, across New river, to James Jones's, instead of the rates heretofore allowed,	6 1-4	6 1-4
(Acts of 1799, ch. 28, pa. 15.)		
From John Fulton's, on Ohio river, to the opposite shore,	8 1-3	8 1-3
From Richard Kelly's, at the mouth of Harmon's creek on the Ohio river, to the opposite shore,	8 1-3	8 1-3

	From a man Cents.	For a horse Cents.
(Acts of 1799, ch. 30, pa. 17.)		
From Hugh Phelps's, in Wood, across the Little Kanawha river, to Alexander Parker's, dec.	6 1-4	6 1-4
From Caleb Hitchcock's, in Wood, across Ohio river, to the lands of the United States, on the opposite shore,	8 1-3	8 1-3
From Alexander Stuart's, in Monroe, across New river, to his land on the opposite shore, in Montgomery,	6 1-4	6 1-4
From James Graham's, in Monroe, across Greenbrier river, to Conrod Keller's, on the opposite shore,	6 1-4	6 1-4
From Elijah Gates's, in Wood, across Ohio river, to Jonathan Stone's, on the opposite shore,	8 1-3	8 1-3
From John Stokeley's, at the mouth of the Little Kanawha, across Ohio river, to the lands of the United States, on the opposite shore,	8 1-3	8 1-3
From John Wilson's across Ohio river, to the opposite shore,	8 1-3	8 1-3
From Jesse Taylor's, in the town of Alexandria, across Potowmac river, to the opposite shore, in the state of Maryland,	17	17
From James town across James river, to Swann's point, and from Swann's point to James town, instead of the rates heretofore allowed,	33 1-3	33 1-3
(Act of 1800, ch. 24, pa. 15.)		
From Nathaniel Davidson's, in Harrison, across the mouth of Elk creek, and the west fork, near Clarksburg, to William Berkeley's and Edward M'Carty's, on the opposite shores,	4	4
From Shirley to City Point,	37	37
From City Point to Shirley and to Bermuda Hundred,	37	37
From Joshua Hurd's, across Ohio river, to the opposite shore,	8 1-3	8 1-3
From Stephen Tease's, in Kanawha, across Kanawha river, to Fry's and others'; and from his land across Coal river, to Martha Washington's, on the opposite shore,	6	6
From David Mraney's, held under a lease from Denny Fairfax, across Shenandoah river, to Robert Carter's,	5	5
From Benjamin Kendrick's, across the South branch of Shenandoah river, to Christopher Stover's, on the opposite shore,	5	5
From Samuel Pugh's, in Wood, across Ohio river, to Isaac Mixer's, on the opposite shore,	8	8
(Acts of 1800, ch. 32, pa. 19.)		
Instead of the rates heretofore allowed by law, at the ferries hereafter mentioned, the rates of ferriage shall be as followeth: viz.		

	For a man Cents.	For a horse Cents.
From the land belonging to Edloe's estate, lying in Charles City, across Chickahominy river, at the place commonly called Edloe's ferry,	12 1-2	12 1-2
From John D. Watkins's, in New-Kent, across Pamunkey river, to James Smith's, in King William, and from the latter to the former,	12 1-2	12 1-2
From York town to Gloucester town,	19	19

(Acts of 1801, ch. 71, pa. 37.)

Instead of the rates heretofore allowed by law at the ferries hereafter mentioned, the rates of ferriage shall be as followeth, viz.

From Moore Fauntleroy's, dec. in Richmond county, across Rappahannock river, to the town of Tappahannock,	25	25
From the said town of Tappahannock, across the said river, to the opposite shore, in the said county of Richmond, being the ferry now kept by Laurence Muse,	25	25
From the town of Port Royal, in Caroline, across Rappahannock river, to the town of Port Conway, in King George, being the ferry now kept by Sarah Bowie,	6 1-4	6 1-4
From John Anderson's, in Greenbrier, across Greenbrier river,	12 1-2	12 1-2

(Acts of 1801, ch. 77, pa. 44.)

"Instead of the rate allowed by law for the ferriage of a hogshead of tobacco, from the land of John Ward, in the county of Campbell, across Staunton river, there shall hereafter be allowed and paid, for every hogshead of tobacco transported at the said ferry, twelve and a half cents, except when the same shall be transported with the team and driver, in which case the rate of ferriage on tobacco shall remain as now fixed by law; any law to the contrary thereof notwithstanding."

(Acts of 1801, ch. 79, pa. 45.)

From Obadiah Kirby's, in Halifax, on the south side of Dan river, across the said river to Richard Kirby's, on the opposite shore,	4	4
From John Gatewood's, in Shenandoah, across the north fork of Shenandoah river, to Christian Stover's on the opposite shore,	6 1-4	6 1-4
From Peter Anderson's, adjoining the town of Bellville, across the Ohio river, to the opposite shore, in the North Western Territory,	8 2-3	8 2-3
From John Copsey's, in Hampshire, across Little Capecapon creek, to the opposite shore,	6 1-4	6 1-4
From the lot designated No. 6, in Ezekiel town, on the land of Henry Jolly, in Ohio, across Ohio ri-		

	For a man Cents.	For a horse Cents.
ver, to the opposite shore, in the North Western Territory,	8 2-3	8 2-3
From George Mason's, dec. in Fairfax, across Potowmac river, to the opposite shore in the state of Maryland,	25	25
From Caleb Cartwright's, in Wood, across Little Kanawha river, to the lands claimed by Richard Lee,	6 1-4	6 1-4
From the said Caleb Cartwright's, across the mouth of Hughs's river, to Hugh Wilson's,	3 1-4	3 1-4
From Thomas Alsbury's, in Kanawha, across the Ohio river, to the opposite shore,	8 2-3	8 2-3
From James Vanbibber's, in Kanawha, about one mile above the mouth of Gyandotte, across Ohio river, to the opposite shore,	8 2-3	8 2-3
From John Miller's, in Kanawha, across Big Sandy river, to the opposite shore, in the state of Kentucky,	6 1-4	6 1-4
From Jeremiah Ward's, in Kanawha, across Gyandotte river, to the opposite shore,	6 1-4	6 1-4
From Daniel Kincheloe's, in Wood, across the Little Kanawha river, to William Redcliffe's, on the opposite shore,	6 1-4	6 1-4

(Acts of 1802, ch. 25, pa. 18.)

Instead of the rates heretofore allowed by law, at the ferries hereafter mentioned, the rates shall be as followeth, viz.

From Peter Rising's, at New Port, in Prince William, across the Potowmac river, to Brooke's landing, in Maryland,	50	50
From James Vanbibber's, in Kanawha, across Ohio river,	12 1-2	12 1-2
From Thomas R. Evans's, in King William, across Mattapony river, at Frazier's ferry	10 1-2	10 1-2

(Acts of 1802, ch. 32, pa. 22.)

From James Howell's, in Charlotte, across Staunton river, to Col. William Bentley's, in Halifax,	4	4
From William M'Donald's, in Monongalia, across Tyger Valley river, to the opposite shore, in Harrison,	4	4
From Andrew Johnson's, in Monongalia, across Cheat river,	6 1-4	6 1-4
From Thomas Shearer's, opposite the mouth of Falling waters, in Berkeley, across Potowmac river,	5	5
From Levi Boone's, in Ohio, across Fishing creek,	3	3
And also from said Boone's, across Ohio river,	8	8
From William Anglin's, in Randolph, across Tyger Valley river,	4	4
From Thomas Buffington's, in Kanawha, across Gyandotte river,	3	3

	For a man Cents.	For a horse Cents.
(Acts of 1803, ch. 43, pa. 36.)		
Instead of the rates heretofore allowed by law, at the ferries hereafter mentioned, the rates of ferriage shall be as followeth, viz.		
From David Minear's, in Randolph, across Cheat river,	6 1-4	6 1-4
From Thomas Evans's, in Monongalia, across Monongalia river, at the mouth of Deeker's creek,	6 1-4	6 1-4
(Acts of 1803, ch. 68, pa. 45.)		
From Jonathan Zane's, in Ohio, across Ohio river, to the opposite shore, in the county of Belmont, in the state of Ohio,	8	8
From James Collins's, on the east side of Monongalia river, in the county of Monongalia, across the said Monongalia, to Zackquill Morgan's, on the opposite shore,	4	4
From Randolph Shidmore's, in Botetourt, across James river, to Messrs. Houston's and Cloyd's, on the opposite shore,	4	4
From John Edie's, in Brooke, across Ohio river, to the opposite shore,	8	8
From Reece Wolf's, in Wood, across the Little Kanawha river, to the opposite shore,	3	3
From Henry Townes's, in Mecklenburg town, across Dan river, to Major John Nelson's, in Halifax,	4	4
From William Droddy's, in Kanawha, across Ohio river, to the opposite shore,	8	8
From Benjamin M'Machan's, in Ohio, across Ohio river, to Daniel M'Elherin's, on the opposite shore,	8	8
From Isaac Lerue's, in Ohio, across Middle Island creek, to his land on the opposite shore,	3	3
From Mark M'Goveran's, in Brooke, across Ohio river, to the opposite shore,	8	8
(Acts of 1804, ch. 37, pa. 31.)		
From Charles Stewart's, in Monongalia, across Cheat river, to James Stafford's, on the opposite shore,	4	4
From Peter Rust's in Richmond county, across Rappahannock river, to his land on the opposite shore, in Essex,	25	25
From Benjamin M'Machan's, in Ohio, across Ohio river, to Daniel M'Elherin's, on the opposite shore,	8	8
From William Chapman's, in Brooke, near the mouth of Deep Gut, across Ohio river, to the opposite shore,	8	8
From James Smith's, in Kanawha, across Gyandotte river, to the opposite shore,	5	5
From Alexander Henderson's, in Wood, at the mouth of Gow creek, across Ohio river, to the opposite shore,	8	8

	For a man Cents.	For a horse Cents.
Instead of the rates heretofore allowed by law, at the following places, the rates of ferriage shall be as followeth, viz.		
From Reece Wolf's, in Wood, across the Little Kanawha river,	4	4
From Peter Johnston's, in Harrison, across Tyger Valley river,	6 1-4	6 1-4
From Thomas Buffington's, in Kanawha, across Gyandotte river,	5	5
(Acts of 1805, ch. 54, pa. 31.)		
From Adam Deem's opposite the mouth of Goose creek, in Wood, across Hughes's river, to his land on the opposite shore,	4	4
From Charles Magill's, in Monongalia, across Cheat river, to the forge of Samuel Jackson,	4	4
From George Creel, jun's. in Wood, across Little Kanawha river, to the lands claimed by the heirs of Isaac Larue, on the opposite shore,	4	4
From Hampton Wade's, in Halifax, across Dan river, to Charles Scott's, on the opposite shore,	4	4
From Peter Boyer's, on the north east side of the Great Kanawha, or New river, in Greenbrier, across the said river to the opposite shore,	6 1-4	6 1-4
From James Jordan's, in Kanawha, across the Mud river, to his land on the opposite shore,	4	4
From Joseph Haugh's, at the mouth of Fall creek, in Kanawha, across Kanawha river, to his land on the opposite shore,	6 1-4	6 1-4
From William Clendinen's, about four miles from the mouth of Great Kanawha river, in Mason, across Ohio river, to the opposite shore,	12 1-2	12 1-2
From John Connell's, in Brooke, across the Ohio river, to Bazaleel Wells's and Hezekiah Griffith's, on the opposite shore,	8	8
The keepers of the following ferries shall be allowed the rates hereafter mentioned, instead of the rates heretofore allowed at the said ferries, viz.		
From William Lightfoot's, in Charles City, to William E. Barrett's, in James City, and from the said Barrett's to the said Lightfoot's, across Chickahominy river,	12 1-2	12 1-2
From Jacob Michaux, in Powhatan, across James river,	6 1-4	6 1-4
From John Woodson's, in Goochland, to the town of Cartersville, across James river,	6 1-4	6 1-4
From John Graham's, in Goochland, across James river, to the Manakintown, on the opposite shore, in Powhatan,	6 1-4	6 1-4
(Acts of 1806, ch. 52, pa. 23.)		
The keeper of the ferry across the Rivanna river, opposite the town of Charlottesville, shall receive, instead of the rates heretofore allowed at said ferry,	6 1-4	6 1-4

(Acts of 1806, ch. 82, pa. 32.)

	For a man Cents.	For a horse Cents.
From William Filchett's, in Mathews, across Piankitank river, to Churchill's point on the opposite shore, in Middlesex,	12 1-2	12 1-2
From James Waugh's, in Amherst, across Fluvanna river, to Tamerlane William Whiting Davis's, on the opposite shore, in Bedford,	6 1-4	6 1-4
From Alexander Henderson's, at the mouth of Cow creek, in Wood, across the Ohio river, to the opposite shore,	8	8
From Allen Rice's, in Kanawha, across Mud river, to the opposite shore,	4	4
From John Jones's, in Kanawha, across Kanawha river, to John Hunter's, on the opposite shore,	6 1-4	6 1-4
From Henry Dering's, below his mill, near Morgantown, in Monongalia, across Monongalia river, to Noah Ridgway's, and William Tingle's, on the opposite shore,	4	4
From Robert Marshall's, near the mouth of Buffaloe creek, in Brooke, across the Ohio river, to the opposite shore,	8	8
From Jacob Eib's, in Harrison, across West Fork river, to Robert Wilson's, and Daniel Davidson's, on the opposite shore,	6 1-4	6 1-4
From Nathan Cooper's, at the lower end of the Long Reach in the Ohio river, in the county of Ohio, across the Ohio, to the opposite shore,	8	8
From William Carlyle's, in Hampshire, across Great Capecapon river, to the opposite shore,	6 1-4	6 1-4
From Samuel Gamble's, and Henry Daniel's, at the mouth of King's creek, in Brooke, across the Ohio river, to their lands on the opposite shore,	8	8
And from their said lands at the mouth of King's creek, across the same, to their lands on the opposite shore,	4	4
From John Huddleston's, in Kanawha, across Kanawha river, to Henry Banks's, on the opposite shore,	6 1-4	6 1-4
From Ferry Point, near Davis's warehouse, in Lancaster, across Corotoman river, to the opposite shore, near Lowry's warehouse,	6 1-4	6 1-4
The keeper of the ferry at John Chowning's ferry, across the Rappahannock river, and the keeper of the ferry on the opposite shore, shall be allowed the sum of fifty cents for a man, and for an horse the same; and at the ferry of Jacob Hill, in Harrison, across the Tyger Valley river, for a man six and one quarter cents, and for an horse the same; instead of the rates heretofore allowed at the said ferries,		
The ferry across Corotoman river, from the land of John Lowry, in Lancaster, discontinued.		

CHAP. I.

An Act to Establish a Guard in the City of Richmond.

[Passed January 22, 1801.—Acts of 1800, chap. 62, pa 34.]

Preamble. WHEREAS it is expedient in the present crisis of affairs, that proper guards should be kept for the security of public property, in the City of Richmond,

Guard established. 1. BE *it therefore enacted by the General Assembly*, That for the purpose of guarding the public property, in the city of Richmond, the governor shall, with the advice of council, cause to be enlisted a company of citizens of the United States, not exceeding sixty-eight men, including non-commissioned officers and musicians, to serve for three years, unless sooner discharged by law. The commissioned officers of the said company shall be one captain, one lieutenant, and one ensign, who shall be appointed and commissioned by the governor, with the advice of council. The pay per month of the officers and men shall be as follows: to the captain forty dollars; to the lieutenant thirty dollars; to the ensign twenty-six dollars; to the sergeants each eight dollars; to the corporals each seven dollars; to the musicians each seven dollars; and to the privates each six dollars. And the commissioned officers, non-commissioned officers and privates shall receive the same rations, and the non-commissioned officers, musicians, and privates the same clothing as are allowed by the laws of congress, to infantry, in the service of the United States.

Courts martial not authorised to inflict capital punishment. The officers and soldiers of the said company shall be subject to the same rules and regulations, and to the same punishment for offences as the troops of the United States are subject to, by the laws of the United States; but in no case shall the punishment of death be inflicted on any offender, under the authority given by this law. The three commissioned officers of the said company shall be sufficient to hold a court martial for the trial of any of the non-commissioned officers, musicians or privates; and in case of the death, absence or inability, of either of the said commissioned officers to attend the court martial for the trial of any non-commissioned officer, musician, or private, it shall be lawful for the lieutenant colonel commandant of Henrico to summon any commissioned officer, or officers, of the militia, to supply such vacancy; but in every such court which shall be held, one, at least, of the commissioned officers of the said company shall be a member of the court. A court martial for the trial of any of the commissioned officers shall consist of thirteen members, and shall be composed of one, or both, of the other commissioned officers, and as many militia officers as will make a court; which militia officers shall be summoned to attend by the said lieutenant colonel commandant. The governor, with advice of council, shall contract for clothing and rations for the guard, and shall cause them to be stationed at such place or places, as he may deem expedient, and in all cases shall they be under his controul.

Military stores removed to Richmond. 2. *And be it further enacted*, That the arms and stores now in the Arsenal, at the Point of Fork, shall be removed to the city of Richmond, and deposited with the other public arms. If any of the guard now at the Point of Fork choose to enlist in the said company they shall have right to do so; those who do not choose to enlist, together with the artificers, shall be discharged so soon as the arms are removed from the Point of Fork.

3. *And be it further enacted*, That the governor, with the advice of council, be authorised to rent the public property, at the Point of Fork, or otherwise provide for the safe keeping thereof, as in their judgment shall seem expedient. Public property at the Point of Fork to be disposed of.

4. This act shall commence from the passing thereof. Enacting clause.

CHAP. II.

An Act authorising the Executive to appoint a Surgeon to the Public Guard, and to the Prisoners confined in the Penitentiary House.

[Passed January 28, 1802.—Acts of 1801, ch. 20, pa. 15.]

1 BE *it enacted by the General Assembly*, That the executive shall, and they are hereby authorised and required, to appoint annually one person to act as surgeon to the public guard directed to be kept in the city of Richmond, and to the prisoners who are or may be confined in the jail and penitentiary house. It shall be the duty of such surgeon to render to the persons aforesaid, all surgical and medical aid, which may be required of him, who shall be, and is hereby allowed for his services to be rendered, and medicines furnished under this act, at the rate of four hundred dollars per annum, to be paid quarterly out of the public treasury, on warrant to be issued by the auditor of public accounts. Executive to appoint annually a surgeon to public guard, &c.

2. This act shall be in force from the passing thereof. Commencing clause.

CHAP. III.

An Act to amend the Act, entituled, "An Act to establish a Guard in the City of Richmond."

[Passed January 22, 1803.—Acts of 1802, ch. 19, pa. 16.]

1 BE *it enacted by the General Assembly*, That for the purpose of holding courts martial for the trial of any commissioned officer, non-commissioned officer, musician or private, of the guard established in the city of Richmond, the commanding officer of the militia of the said city, shall, upon application to him made by the commanding officer of the said guard, have the like power of summoning out of the militia of his regiment, the officers necessary for holding the said courts martial, as is granted to the lieutenant colonel commandant of the militia of Henrico county, by the act, entituled, "an act to establish a guard in the city of Richmond." Courts martial to be composed of officers of the militia.

CHAP. IV.

An Act for continuing a Guard in the City of Richmond.

[Passed January 17, 1804.—Acts of 1803, ch. 86, pa. 53.]

1 BE *it enacted by the General Assembly*, That for the purpose of guarding the public property in the city of Richmond, the guard as enlisted and established by the act passed the twenty-second day of January, one thousand eight hundred and one, entituled, "an act, to establish a guard in the city of Richmond," shall be, and is hereby continued: *Provided however*, that this act shall not be construed so as to continue in service, any of the guard raised in virtue of the said act, after the commission of an offence for which he or they ought to be cashiered or discharged, to be judged of in the manner herein after mentioned. Guard continued. Proviso.

Officers and men to compose the guard.

2. The said guard exclusive of the commissioned officers, shall consist of one hundred men, including non-commissioned officers and musicians. The commissioned officers shall be, one captain, one lieutenant and one ensign. And that the said company may be constantly kept up to the number of sixty-eight men as aforesaid, it shall be lawful for the commanding officer of the said company, to cause to be enlisted from time to time, so many able bodied men, being citizens of the United States, as may be necessary, who shall serve for three years unless they shall be sooner discharged by law.

Their pay.

The pay per month of the officers and men, shall be as follows: to the captain forty dollars: to the lieutenant thirty dollars; to the ensign twenty-six dollars; to the sergeants each eight dollars; to the corporals each seven dollars; to the musicians each seven dollars; and to the privates each six dollars. And the commissioned officers, non-commissioned officers and privates, shall receive the same rations, and the non-commissioned officers, musicians and privates the same clothing as are allowed by the laws of congress, to infantry in the service of the United States.

Regulations for their government.

3. The officers and soldiers of the said company, shall be subject to the same rules and regulations, and to the same punishment for offences, as the troops of the United States are subject to, by the laws thereof, except that the punishment of death shall not be inflicted on any offender, under the authority given by this act.

Courts Martial.

4. The three commissioned officers of the said company shall be sufficient to hold a court martial for the trial of any of the non-commissioned officers, musicians or privates; and in case of the death, absence or disability, of either of the said commissioned officers, to attend the court martial for the trial of any non-commissioned officer, musician or private, it shall be lawful for the commanding officer of the thirty-third regiment, or the commanding officer of the nineteenth regiment of the militia, on application to them made by the officer commanding the guard, to summon any commissioned officer or officers, of the militia of their regiments, to supply the vacancy; but of every such court, one at least of the commissioned officers of the said guard, shall be a member for the trial of any of the commissioned officers of the said guard; a court martial shall consist of thirteen members, six of whom shall be of the rank of captains, and shall be composed of one or both of the other commissioned officers of the guard and as many militia officers, to be summoned out of the regiments aforesaid, by order of the governor, as will make a court martial.

Clothing to be furnished.

5. The governor, with the advice of council, shall contract for clothing and rations for the guard, and shall cause them to be stationed at such place or places as he may deem expedient; and in all cases they shall be under his controul.

Commencement.

6. This act shall be in force from and after the passing thereof.

CHAP. V.

An Act increasing the Salary of the Surgeon to the Public Guard and Prisoners confined in the Jail and Penitentiary House.

[Passed December 31, 1804.—Acts of 1804, ch. 55, pa. 39.]

Salary increased.

1 BE *it enacted by the General Assembly*, That the surgeon to the public guard directed to be kept in the city of Richmond,

and to the prisoners who are or may be confined in the jail and penitentiary house, shall be, and he is hereby allowed the sum of one hundred dollars per annum, in addition to the salary now allowed by law, payable in the manner that his salary is now directed to be paid.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. VI.

An Act concerning the Public Guard, and for other purposes.

[Passed January 22, 1807.—Acts of 1806, ch. 31, pa. 18.]

1 BE *it enacted by the General Assembly*, That the act "for continuing a guard in the city of Richmond," passed the seventeenth of January, eighteen hundred and four, shall be and the same is hereby repealed. Act establishing guard repealed.

2. *And be it further enacted*, That the executive be authorised to appoint some proper person to sell at auction, all the provisions, clothing and other materials on hand, purchased for the use of the said guard, who upon paying the proceeds of such sales into the treasury, shall for his trouble receive such compensation as the executive may deem to be adequate. Executive to appoint persons to sell provisions, &c.

3. *And be it further enacted*, That the person so appointed to sell as aforesaid, shall give bond with approved security to the governor and his successors, to pay the amount of the said sales, into the public treasury, within a time to be limited by the executive, and if the person so appointed shall fail to make the payment as aforesaid, a speedy remedy shall be had, by way of motion against him and his security on the said bond, in any court of record in this commonwealth, for the recovery of the amount of the said sales, with interest thereon and costs, provided the obligor and his security, or such of them as judgment shall pass against, shall have had ten days notice of such motion. Person so appointed to give bond, &c.

4. *And be it further enacted*, That the governor be authorised to offer to the trustees of the academy for female education in the city of Richmond, the use of the house formerly occupied by the public guard as barracks, until further provision concerning the same be made by the legislature. Governor authorised to offer barracks to trustees of female academy.

5. *And be it further enacted*, That at any time before the commencement of this act, the governor with the advice of council, is hereby authorised and empowered to dismiss from service any commissioned officer of the said guard, who may be deemed incompetent to the discharge of his duty, or who may be guilty of conduct unbecoming the character of an officer; and to supply any vacancy created by such removal. Executive may dismiss officer for good cause.

6. This act shall commence and be in force, from and after the first day of January next. Commencement.

CHAP. VII.

An Act to suspend the operation of the "Act concerning the Public Guard, and for other purposes."

[Passed December 31, 1807—Acts of 1807, ch. 12, pa. 21.]

1 BE *it enacted by the General Assembly*, That the operation of the act entituled, "an act concerning the public guard, and for other purposes," passed on the twenty-second day of January, Operation of the act concerning publi guard suspended.

one thousand eight hundred and seven, shall be, and the same is hereby suspended until the twentieth day of January next, any thing in the said act, or in any other act to the contrary notwithstanding.

Commencement.

2. This act shall commence and be in force from the passing thereof.

CHAP. VIII.

An Act for the Security of Public Property in the City of Richmond.

[Passed January 19, 1808.—Acts of 1807, ch. 9, pa. 20.]

Public guard reduced.

1 BE *it enacted by the General Assembly*, That the public guard in the city of Richmond, shall be reduced to one lieutenant, one ensign, two sergeants, two corporals, two musicians, and thirty privates.

Act repealing act establishing guard, repealed.

2. The act of assembly, passed on the twenty-second day of January, one thousand eight hundred and seven, repealing the act establishing a guard in the city of Richmond, shall be, and the same is hereby repealed.

Laws regulating public guard in force.

3. The laws in force relative to the public guard, previous to the passage of the said recited act, are revived, except so far as respects the number thereof. In making the reduction, the executive shall retain in service, the men most fit to perform the duty, and shall have power to dismiss any officer of the said guard, when they shall deem it expedient, and commission another in his stead.

Commencing clause.

4. This act shall commence and be in force from and after the passing thereof.

☞ THE FOLLOWING ACTS RELATING TO THE JAMES RIVER, POTOWMAC AND APPOMATTOX COMPANIES, WERE PASSED AT THE SESSION OF 1807, AFTER THE APPENDICES EMBRACING THOSE HEADS WERE WORKED OFF. IT WAS, THEREFORE, IMPOSSIBLE TO INSERT THEM IN THEIR PROPER PLACES.

*An Act to continue and amend an Act, concerning the James River Company.**

[Passed January 7, 1808.—Acts of 1807, ch 53. pa. 53.]

Preamble.

WHEREAS it hath been represented, that the commissioners appointed by the act, entituled, "an act concerning the James river company," passed the thirtieth day of January, one thousand eight hundred and five, have not performed the duties prescribed by the said act; and it is just and reasonable, that a further time should be allowed:

Further time allowed the company.

1. *Be it therefore enacted*, That the further time of twelve months from the passing hereof, be allowed the James river company, and the commissioners appointed by the above recited act, or a majority of them, to comply with the provisions thereof; and in the mean time, the James river company, shall be permitted to collect the full tolls allowed by the act, "for clearing and improving the navigation of James river," any thing in the first mentioned, or any other act, to the contrary notwithstanding. And whereas it ap-

* This act should form ch. XVIII, of Appendix No. I, pa. (10.)

pears, that some of the commissioners, appointed by virtue of the above recited act, have met to carry the same into effect; but have been prevented by circumstances, which they could not controul;

2. *Be it therefore enacted*, That every such commissioner, shall receive such compensation, as is provided by the said act, for the time he shall have been employed as aforesaid, to be paid, on application to the auditor of public accounts, who shall grant a warrant or warrants, to be paid out of any money in the treasury. And, in case it shall appear from the report of the said commissioners, to be made in pursuance of the provisions of the said act, that the navigation of James river is not as required by law, then the amount so disbursed, shall be refunded by the James river company. Mode of compensation.

3. *And be it further enacted*, That Daniel Couch and Charles Davis, be added to the commissioners appointed by virtue of the said act; and that a majority of the whole number, shall have power to proceed to carry the same into effect. Additional commissioners appointed.

4. *And be it further enacted*, That the annual meeting of the said James river company, shall in future, be on the first Monday in January, in each and every year, any law to the contrary notwithstanding. Time of annual meeting changed.

5. This act shall commence and be in force, from and after the passing thereof. Commencement.

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*An Act concerning the Potowmac Company.**

[Passed January 5, 1808.—Acts of 1807, ch 45, pa. 48.]

1 BE *it enacted by the General Assembly*, That the president and directors of the Potowmac company, shall be, and they are hereby allowed the further time of three years, from the expiration of the time heretofore allowed by law, to complete the navigation of the Shenandoah river, any law to the contrary notwithstanding. Further time allowed Potowmac company to complete the navigation of the Shenandoah.

2. This act shall commence and be in force from the passing thereof. Commencement.

An Act concerning the Upper Appomattox Company.†

[Passed February 2, 1808—Acts of 1807, ch. 88, pa. 75]

WHEREAS it is represented to the general assembly, that the funds of the Upper Appomattox Company for opening and extending the navigation of the river Appomattox, agreeably to an act, entituled, "an act to amend and reduce into one act the several acts for opening and extending the navigation of Appomattox river," have become so far exhausted as will probably produce a suspension of the works of the said company, upon the canal leading from the upper end of the falls of the said river to the town of Petersburg: Preamble.

1. *Be it therefore enacted by the General Assembly*, That the superintendants of the said company may, and they are hereby authorised, to draw upon the treasurer of the state for one fourth of the expenses which may be necessarily incurred in completing the said canal, and the auditor of public accounts shall issue his warrant for the same upon the treasury, which shall be paid out of any money Superintendants of Appomattox company to draw on treasury.

* This act should form ch. XXIV, of Appendix No. II, pa. (33.)
† This act should form ch. XIV, of Appendix No. III, pa. (54.)

therein: *Provided*, That the said draft or drafts shall not exceed the sum of four thousand dollars; and *provided further*, that the said superintendants, before any money is drawn from the treasury, shall give such security for refunding the same with interest, to the the state, on or before the first day of November, one thousand eight hundred and nine, as the treasurer of the state shall approve.

Commencement. 2. This act shall commence and be in force from and after the passing thereof.

APPENDIX, No. XIII,

Containing a LIST *of the* TITLES *of all the* PRIVATE *and* LOCAL ACTS *which have passed since the October Session*, 1783; *together with the Titles of those of a* PUBLIC NATURE *which have* expired, *been* repealed, *or had their effect; and such of the same nature as are not wholly inserted in this or the first volume, which have passed during the same period. In* Purvis's *collection, and in the editions of* 1733, 1752 *and* 1785, *the titles of acts of the above description are printed in the body of the work, in the order in which they passed. But in the edition of* 1769 *they are only to be found in an appendix at the end of the book.—This plan has necessarily been pursued here; because, although a list of such titles were reported to the Legislature in* 1792, *by the Committee of Revisers, yet they were not published in the edition of* 1794; *nor were any inserted in the edition of* 1803.

MAY SESSION, 1784.

Chap. I.—AN ACT for further continuing an act entituled, an act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth.

II.—For further continuing an act, entituled, an act concerning pensioners.

III.—To confirm to Anne and Margaret Rose their freedom and interest under the will of Walter Robertson, deceased.

IV.—To establish a town on the land of Francis Conway, in the county of King George—Port Conway, on Rappahannock river.

V.—Regulating the appointment of delegates to congress.

VI—Dividing the county of Monongalia—Harrison county formed.

VII—To suspend in part the operation of an act, entituled, an act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue into one act, for a limited time.

VIII—Establishing a town on the lands of Catesby Jones, in the county of Westmoreland—Kinsale on Yeocomico river.

IX—Establishing a new ferry, and discontinuing the ferry established from the lands of Jesse Shelton, to Urbanna—From the lands of John Chowning over Rappahannock river to Urbanna.

XI—Of indemnity to certain persons.

XII—To amend an act, entituled, an act for establishing the town of Martinsburg, in the county of Berkeley, and for other purposes.

XIII—Imposing an additional duty of one and an half per centum on certain goods, wares, and merchandise.

XIV—To revive and amend in part an act, entituled, an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes.

XV—To suspend the distress for the one per cent. tax on land for a limited time.

XVI—To levy certain taxes in aid of the public revenue, and to apply the same in payment of the debts due foreign creditors.

XVII—To amend an act, entituled, an act to establish certain and adequate funds for the redemption of certificates granted to the officers and soldiers for their arrears of pay and depreciation.

XVIII—Concerning the jail in the city of Williamsburg—Persons taken on civil or criminal process in the county of James City, to be committed to the jail in the city of Williamsburg.

XIX—Incorporating the town of Petersburg, and for other puposes—The court of hustings of the city of Williamsburg and borough of Norfolk constituted courts of record. The court of hustings of the city of Richmond shall have the same power of examining and trying criminals, as the court of hustings of the town of Petersburg.

XXI—To invest the United States in congress assembled, with additional powers for a limited time.

XXII—To exempt Quakers from attending musters.

XXIII—To compel the delinquent counties within this state to pay the one-eighth per cent. tax.

XXIV—Reviving the inspection of tobacco at Dymer's warehouses, & for other purposes—Petersburg warehouse, in the town of Petersburg established. The inspection at North and South Wicomico to be separate and distinct from any other. The inspections at College Landing and York town, to be separate & distinct inspections.

XXV—Giving certain lands to Hampden Sidney college, in the county of Prince Edward.

XXVI To appoint commissioners to state and settle the losses sustained by the burning the warehouses at Rocky Ridge.

XXVII Giving Nathaniel Twining the exclusive privilege of conveying persons in a stage coach for a limited time.

XXVIII To revive an act, entituled, an act for calling in and funding the paper money of this state.

XXIX For the better support of the supreme court in the Kentucky district.

XXX. Directing the sale of the public lands and other property in or near the city of Richmond.

XXXI Authorizing the delegates representing this state in congress, to subscribe and ratify an alteration of the eighth of the articles of confederation and perpetual union between the thirteen states of America.

XXXII To restrict foreign vessels to certain ports within this commonwealth.

XXXIII To empower the vestry of Antrim parish, in the county of Halifax, to sell the glebe of the said parish, and to lay out the money in purchasing a more convenient one.

XXXIV Directing the sale of certain public lands, and for other purposes——All the public lands to be sold by commissioners, except certain lands in and near Williamsburg, which are vested in the president and professors of William and Mary college. Lands at *Gosport* to be sold, except such part as the commissioners may think necessary for public purposes.

XXXV Directing the mode of suing out and prosecuting writs of habeas corpus.

XXXVI Appointing public notaries.

XXXVII Establishing an inspection of Hemp

XXXVIII To ascertain the quantity of land, the improvements thereon, and the number of people within this commonwealth.

XXXIX To revive and amend an act, entituled, an act for calling in and redeeming certain certificates.

OCTOBER SESSION, 1784.

XL For the establishment of courts of assize.

XLI For keeping in repair the pass at Rockfish gap.

XLII Altering the court day of the county of Chesterfield—Altered to the second Thursday in every month.

XLIII Altering the boundary line between the glebe lands of the parish of Manchester, in the county of Chesterfield, and the lands of William Logwood.

XLIV Altering the place of holding courts in the county of Prince George.

XLV To amend the act, entituled, an act for dissolving several vestries, and appointing overseers of the poor, in certain counties.

XLVI To amend and reduce the several acts for appropriating the public revenue, into one act.

XLVII To explain and amend the act to levy certain taxes in aid of the public revenue.

XLVIII Concerning entries and surveys on the western waters

XLIX To amend an act, entituled, an act for establishing the town of Kempsville, in the county of Princess Anne.

L Establishing several new ferries.

LI Appropriating the fees of the land office in aid of the public revenue, and placing the register, his deputies and assistants, on the civil list.

LII To provide for the more effectual collection of the tax of five shillings per hundred acres on lands granted by patent, and to appropriate the money arising therefrom.

LIII Respecting future confiscations—None further to be made.

LIV Further continuing the act, entituled, an act concerning pensioners.

LV Authorising the governor, with the advice of the council, to suspend, when necessary, the surveying of certain lands in the western country.--This act relates to the lands reserved for the officers and soldiers on the Virginia line and the Illinois regiment.

LVI Establishing and reviving inspections of tobacco at sundry places——*Hood*'s inspection in Prince George revived and established. *Kemp*'s warehouse, on Piankitank, in the county of Middlesex, revived. A new inspection to be called Manchester's, on the land of Jacob Rubsamen, in the town of Manchester, established. Warehouse to be built on the land of Thomas Veal, in the town of Portsmouth.

LVII To revive an act, entituled, an act for adjusting claims for property impressed or taken for public service.

LIX Concerning the appointment of sheriffs.

LX Compelling the county court clerks to reside in the county, and to prevent them from removing the records out of the same, and for other purposes.

LXI Giving John Hoomes the exclusive privilege of conveying persons in a stage coach to and from certain places for a limited time, and for other purposes.

LXII Dividing the county of Jefferson into two distinct counties.—Nelson county formed.

LXIII Punishing certain offences injurious to the tranquility of this commonwealth.

LXIV For the appointment of trustees for the town of York.

LXV To amend and explain an act, entituled, an act for repealing in part the act for establishing the town of Louisville.

LXVI To continue an act, entituled, an act to revive and amend in part an act, entituled, an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes.

LXVII Amending the several laws for regulating and disciplining the militia, and guarding against invasions and insurrections.

LVIII Providing arms and ammunition for the defence of the state.

LXIX To prevent the counterfeiting certain certificates and warrants.

LXX Giving further powers to the directors of the public buildings.

LXXI To amend an act, entituled, an act directing the sale of certain public lands, and for other purposes.

LXXII To amend the act, for the better support of the supreme court in the Kentucky district.

LXXIII To remedy certain impositions in the adjustment of military claims.

LXXIV Further continuing the act, entituled, an act for calling in and funding the paper money of this state.

LXXV Giving James Rumsey the exclusive

right of constructing and navigating certain boats for a limited time.

76 To regulate the solemnization of mariages.

77 To amend the act, entituled, an act for clearing Roanoake river.

78 To amend the act, for establishing pilots, and regulating their fees.

80 [illegible]ating the estate of Stephen Yancey, deceased, to his children, and for other purposes.

81 Further continuing and amending the act, for the inspection of pork, beef, flour, tar, pitch and turpentine.

84 To amend the act, for equalizing the land tax.—This act is published in the appendix, vol. I. pa. 439.

85 To amend the act, entituled, an act to amend and reduce the several acts of assembly for the inspection of tobacco, into one act.

86 To increase the number of trustees for the town of Portsmouth, directing their annual election, and for granting certain powers to the corporation of the Borough of Norfolk.

87 To amend the act, for clearing Mattapony river.

88 Incorporating the Protestant Episcopal church.—Repealed by ch. 12, of acts of 1786.

89 Dissolving the vestry of the parish of Southfarnham, in the county of Essex.

90 Concerning the arrears of levies due in the parish of St Thomas, in the county of Orange.

91 To discharge the people of this commonwealth from the payment of one half of the revenue tax for the year one thousand seven hundred and eighty-five.

OCTOBER SESSION, 1785.

Chap. 1. An act to amend and reduce into one act, the several laws for regulating and disciplining the militia, and guarding against invasions and insurrections.

3. To provide for the appointment of delegates to represent this commonwealth in congress, until the first Monday in November next.

4. To provide for the poor of the several counties within this commonwealth.

5 For the naturalization of the Marquis de la Fayette.

6. Securing to the authors of literary works an exclusive property therein for a limited time.

7. To impose additional tonnage on British vessels.

8 Reforming the county courts, and for other purposes.

9. Concerning the erection of the district of Kentucky into an independent state.

10 Punishing certain offences, and vesting the governor with certain powers.

12 To suspend the operation of the act, entituled, an act for the establishment of courts of assize.

13 Empowering the governor, with the advice of the privy council, to grant conditional pardons, in certain cases.

14 Better securing the revenue arising from customs.

15 Giving powers to the governor and council in certain cases.

16 Regulating and fixing the salaries of the officers of civil government.

18 To amend the act, entituled an act to amend and reduce the several acts for appropriating the public revenue into one act.

20 Establishing inspections of tobacco at Crow's ferry, in the county of Botetourt, and on the lands of Thomas Cresap, in the county of Hampshire, and for other purposes.—Inspectors authorised to deliver tobacco, with manifests, for the purpose of being manufactured.

21 Establishing an inspection of tobacco at Kinsale and discontinuing that at Rust's warehouse, and for other purposes.—Bolling's warehouse to be removed to Bolling's & Tabb's mill; Shepherd's warehouse in King & Queen, revived for two years; Suffolk warehouse revived and established.

22 Establishing certain inspections of tobacco, Lynch's warehouse at Lynch's ferry, in the county of Campbell; and Rivanna warehouse, at the Point of Fork, in the county of Fluvanna, established.

24 Adding part of the county of Nansemond to that of Southampton.

25 Forming a new county out of the counties of Bedford and Henry.—Franklin county formed.

26 For ascertaining a part of the boundary line between the counties of Goochland and Fluvanna.

27 Appropriating certain arrears of public taxes to the opening a waggon road from the eastern to the western waters.

28 Adding part of the county of Rockbridge to the county of Botetourt.

29 To revive an act, entituled, an act to appoint commissioners to state and settle the losses sustained by the burning the warehouses at Rocky Ridge.

30 Keeping certain roads in repair.

31 Concerning the location of certain warrants upon waste and unappropriated lands, in the counties of Greenbrier, Harrison and Monongalia.

32 Concerning the taxes due in the county of Rockingham, for the year one thousand seven hundred and eighty-four.

33 Establishing several new ferries.

35 Dividing the county of Hampshire.—Hardy county formed.

36 Reviving, amending and continuing an act to revive and amend in part, an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes.

37 Dividing the county of Fayette.—Bourbon county formed.

38 To revive an act, entituled, an act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned.

37* To authorise the election of certain vestries.

38* To prevent distress being made by the sheriffs of this commonwealth for the taxes due for the present year, until March next, and admitting facilities in payment thereof.

39 For the sale of certain public lands.—Public lands in York and Elizabeth City counties to be sold, except a point of land in the last mentioned county called Point Comfort.

40 To amend the several acts of assembly concerning the appointment of sheriffs.

41 To repeal an act, entituled, an act concerning entries and surveys, on the western waters, and for other purposes.

42 To dispose of the waste and unappropriated lands in the commonwealth of Virginia, on the eastern waters.

43 Reviving and continuing the act for adjusting claims for property impressed or taken for public service.

* *Chapters 37 and 38 are twice inserted, by mistake, in the acts of this session*

45 For the reform of certain public boards.

46 Dividing the county of Washington—Russell county formed.

48† To revive the act, entituled, an act to empower the judges of the general court to superintend and regulate the public jail.

49† To add that part of the county of Yohogania, situate above Cross creek, and between the western boundary of Pennsylvania and the river Ohio, to the county of Ohio.—That part of the county of Yohogania which was left after the extension of the western boundary between this state and the state of Pennsylvania, being too small for a separate county, was added to the county of Ohio, and the county of Yohogania became extinct.

50 To repeal an act, entituled, an act to provide for the more effectual collection of the tax of five shillings per hundred acres on lands granted by patent, and to appropriate the money arising therefrom.

51§ Authorising the treasurer to receive specie into the public treasury by weight.

54** Dividing the county of Lincoln into three distinct counties.—Mercer and Madison counties formed out of the county of Lincoln.

56 Empowering one of the privy council to officiate, in certain cases, as lieutenant governor.

57 Concerning the public treasurer.

58 For the appointment of clerks to the governor and council.

59 Concerning seamen.

60 Directing the course of descents.

61 Concerning wills; the distribution of intestates estates, and the duty of executors and administrators.

62†† Regulating conveyances.

63 Concerning escheators.

65 Concerning the dower and jointures of widows.

66 For the preservation of the estates of ideots and lunatics.

69 To prevent losses by pirates, enemies, and others, on the high seas.

71 For the restitution of stolen goods

72 Preventing infection of the horned cattle.

73 Improving the breed of horses.

74 Licensing and regulating taverns.

75 Concerning public roads.

76 For unloading ballast and burial of dead bodies from on board ships.

77 Concerning slaves.

78 Declaring what persons shall be deemed mulattoes.

82 Concerning mill-dams and other obstructions of water courses.

83 Concerning servants.

84 For apprehending and securing runaways.

85 To enable guardians and committees to perform certain acts for the benefit of those who are under their care.

86 Concerning guardians, infants, masters and apprentices.

87 For the restraint, maintenance, and care of persons not sound in mind.

88 Vesting the estate of Matthew Womble, deceased, in trustees, to be sold for the benefit of his children.

89 Incorporating trustees for establishing and conducting a seminary of learning at the town of Fincastle, in the county of Botetourt.

90 Directing the sale of certain lands late the property of John Mills, deceased, for the payment of his debts.

91 Regulating the streets in and adjoining to the town of Alexandria.

92 To repeal the act of assembly for establishing the town of Walkerton.—In the county of King and Queen.

93 Vesting the estate of John Tyler, deceased, in trustees for certain purposes.

94 Establishing the town of Clarksburg, in the county of Harrison.

95 Establishing a town on the lands of William Mercer, in the county of Stafford.—Leesville established.

96 Appointing trustees for the town of Suffolk, and for enlarging the same.

97 To establish a town on the lands of Zackquall Morgan, in the county of Monongalia.—Morgans-Town, now generally called Morgan-Town, in the county of Monongalia established.

98 Giving further time to the purchasers of lots in the town of Moorfield to build thereon.

99 Giving further time to the proprietors of lots in the town of Bath to make improvements thereon.

100 To establish a town on the land of James Gordon, in the county of Lancaster.—Gordonsville, in the country of Lancaster established.

101 Establishing a town on the lands of Landon Carter in the county of Fauquier.—Carolandville, at Norman's ford, established.

102 Giving further powers to the trustees of the town of York.

103 To discharge George Taylor and James Madison from further proceeding on the trust reposed in them by an act of the legislature.

104 To authorise the administrator of Alexander Wodrow, deceased, to convey part of a lot of land to Elizabeth Eskridge.

106 To authorize the trustees of Samuel Du Val, junior, to sell the one-fifth part of the Deep Run Coal Pits, and to lay out the money arising from the sale thereof, in other lands and slaves, for the greater benefit of the said Samuel Du Val, junior, and his children.

107 Establishing a town in the county of Lincoln.—Harrodsburg, in the county of Lincoln, established.

108 To establish a town on the lands of John Campbell, in the county of Jefferson.—Campbell-Town, opposite the lower falls of Ohio river, in Jefferson county, established.

109 Appointing trustees to convey a tract of land, the property of Charlotte Dalton, to David Chevis.

110 To empower Robert Mackey and John Peyton, to build upon and convey certain lots in the common annexed to the town of Winchester.

111 To authorise the raising a sum of money by way of lottery, for completing the church in the borough of Winchester, and rebuilding a church in the parish of Elizabeth river, in the county of Norfolk.

112 To authorise the society of Free Masons, in the city of Richmond, to raise a sum of money by way of lottery.

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* *Improperly numbered, in the sessions acts* 66.
† *Do. do. do.* 68.
‡ *Do. do. do.* 69.
§ *Improperly numbered, in the sessions acts* 40.
** *Do. do. do.* 44.
†† *Do. do. do.* 42.

113 Establishing a town on the lands of Smith Tandy, in the county of Amherst.—Cabellsburg, at New-Glasgow, established.

SESSIONS ACTS, 1786.

Chap. 1.* An act for appointing commissioners to liquidate and settle the expenses incurred in two expeditions carried on from the Kentucky district against the neighbouring Indians.

2 To amend the act for regulating and disciplining the militia, and for other purposes.

4 Making further provision for the erection of the district of Kentucky into an independent state.

5 To provide for the appointment of delegates to represent this commonwealth in congress, until the first Monday in November next.

6 To amend the act, entituled, an act for ascertaining certain taxes and duties, and for establishing a permanent revenue.

7 To carry into execution the requisition of congress upon this state for a troop of cavalry.

8 Appointing deputies from this commonwealth to a convention proposed to be held in the city of Philadelphia in May next, for the purpose of revising the federal constitution.

9 To enable the citizens of this commonwealth to discharge certain taxes by the payment of tobacco.

10 To explain, amend, and reduce into one act, the several acts for the admission of emigrants to the rights of citizenship, and prohibiting the migration of certain persons to this commonwealth.

11 To amend an act, entituled, an act to repeal an act, entituled, an act concerning entries and surveys on the western waters, and for other purposes.

12 To repeal the act for incorporating the Protestant Episcopal Church, and for other purposes.

13 To suspend an act, entituled, an act for the establishment of courts of assize.

14 Affording protection from arrests to witnesses summoned to attend on orders for reference and surveys.

15 To empower securities to recover damages in a summary way.

16 To compel the clerks of inferior courts to perform certain duties, and for other purposes

17 To amend the act, entituled, an act to provide for the poor of the several counties within this commonwealth.

19 To enable the solicitor more effectually to collect the arrearages of the taxes, and proceed against public delinquents.

20 Reviving and continuing the act, for adjusting claims for property impressed or taken for public service.

21 Giving further time to officers, soldiers, sailors, and marines, to settle their arrears of pay and depreciation, with the auditor of public accounts

22 Concerning the claims to full pay of certain officers, and to half pay of the widows and orphans of officers that died in the service.

23 To amend the act, entituled, an act to authorise the auditors to grant new warrants and certificates in certain cases.

24 Ascertaining and liquidating the claims of the sufferers by the destruction of tobacco at Byrd's warehouses, and to suspend the rebuilding of the said warehouses.

25 Appointing commissioners to receive subscriptions for the purpose of opening a road from the falls of the Great Kanawha to Lexington, in Fayette county.

26 Imposing new taxes.

27 To amend the act, entituled, an act imposing new taxes.

28 To raise a supply of money for the United States in congress assembled.

29 To impose certain duties.

30 Concerning the duties on salt, wine, and malt liquors.

31 To impose an additional duty of two per cent. ad valorem, on goods, wares and merchandise, imported into this commonwealth.

32 Concerning duties on tobacco.

33 To explain the act for reforming certain public boards, and for other purposes.

34 Authorising the courts of Loudon and Fauquier to keep a certain road in repair.

35 Appropriating certain public taxes to the opening a waggon road from the state road to the mouth of the Little Kanawha, and for other purposes.

36 Concerning manufactured snuff, and authorising the purchase of tobacco for that purpose.

37 Further continuing the act, authorising the treasurer to receive specie into the treasury by weight.

38 To amend and reduce into one act, the several acts for regulating pilots, and ascertaining their fees.

39 Admitting certain receipts for hemp to be received in discharge of the taxes due for the years, 1782 and 1783.

40 To amend the several acts of assembly concerning naval officers, and collecting the duties.

41 Placing the naval officers on the civil list.

42 To amend the act, entituled, an act to restrict foreign vessels to certain ports within this commonwealth.

43 To amend and condense into one act, the several laws for appropriating the public revenue.

44 To revive the act for calling in and funding the paper money of this state.

45 Putting into immediate operation an act, entituled, an act empowering one of the privy council to officiate in certain cases as lieutenant governor.

46 Concerning treasons, felonies, and other offences committed out of the jurisdiction of this commonwealth.

47 To encourage the apprehending of horse stealers.

* *From* 1 *to* 6 *inclusive, the acts of* 1786, *are not numbered in the sessions acts.*

52 To punish bribery and extortion.

54 Punishing disturbers of religious worship and Sabbath breakers.

56 Licensing counsel attornies at law and proctors.

57 Directing the method of proceeding against and trying free persons charged with certain crimes.

58 Directing the method of trying slaves charged with treason or felony.

61 For speedy recovery of money due from certain persons to the public.

62 Recovering demands of a small value in a summary way.

64 Preventing vexatious and malicious prosecutions, and moderating amercements.

65 Providing a mean to help and speed poor persons in their suits.

66 Providing that an infant may sue by his next friend.

69 Reviving the inspection of tobacco at South Quay, in the county of Nansemond.

70 Directing conveyances to be made for lands sold under the revenue law by John Owen, deceased, late sheriff of the county of Pittsylvania.

71 Establishing a town in the county of Bourbon.—Washington established.

72 To repeal in part the act, entituled, an act for regulating the streets in and adjoining to the town of Alexandria.

73 To extend the limits of the town of Alexandria.

75 To vest the lands whereof John Askins died seized, in Mary Arvin, his mother.

76 To authorise the Cabin-Point lodge of Free Masons, to raise a sum of money by way of lottery.

77 To establish an academy on the Eastern Shore.

78 Vesting in James Mercer, esq. certain lands whereof George Mercer died seized.

79 Appointing trustees to sell part of the lands of John Todd, deceased, for the payment of his debts, and for other purposes.

80 To establish a town on the lands of Charles Washington, in the county of Berkeley.—Charlestown established.

81 To enable the trustees of the Fredericksburg academy to dispose of certain lands.

82 Giving further time to the purchasers of lots in the town of Louisville to build thereon.

83 Appointing trustees for the town of Dumfries.

84 Prescribing the method of advertising strays taken up in the district of Kentucky.

85 To enlarge the town of Falmouth.

86 Altering the place of holding courts in the county of Henry.

87 Opening and straightening certain public roads.

88 Incorporating the town of York.

89 To emancipate James, a negro slave, the property of William Armistead, gentleman.

90 To compel the performance of a trust under the will of John Williamson, deceased.

91 To enable the executors of James Scott, deceased, to sell a part of his lands for the payment of his debts.

92 Clearing and extending the navigation of Chickahominy river.

93 To legalise the qualification of the late surveyor of Yohogania county.

94 Confirming the estate of Reuben Coutts, in the ferry from Richmond to Manchester, and in certain lands, and the fisheries thereunto belonging.

95 Concerning the Nansemond tribe of Indians.

96 Concerning the collection of the taxes due in the county of Monongalia, for the year 1783.

97 Incorporating the trustees of the Winchester academy.

98 Authorising the courts of the counties of Norfolk, Princess Anne, and borough of Norfolk, to appoint inspectors of lumber.

99 Establishing a town on the lands of James Wilkinson, in Fayette county, and a ferry across Kentucky river.—Frankfort, in Kentucky, established.

100 Incorporating the academy in the town of Alexandria.

101 Dividing the county of Harrison.—Randolph county formed.

102 Directing the sale of lands in the towns of Louisville and Harrodsburg, and for other purposes.

103 To establish a town on the lands late the property of Benjamin Logan, in the county of Lincoln, and to fix the place of holding courts therein.—Stanford, in Kentucky, established.

104 To amend the act, entituled, an act for surveying and apportioning the lands granted to the Illinois regiment, and establishing a town within the said grant.

105 To establish a town on the lands of John Lynch, in the county of Campbell.—Lynchburg established.

106 To establish a public ferry, a town, and an inspection of tobacco, on the lands of John Curd, in the county of Mercer.—New Market established.

107 To establish a town at the courthouse of the county of Accomack.—Drummond established.

108 Establishing several public ferries, and for other purposes.

109 To amend the act for the appointment of trustees for the town of York.

110 To authorise the trustees of Washington Henry academy to raise a sum of money by way of lottery.

111 Appointing trustees to the Pamunkey Indians.

112 Altering the court-days of certain counties.—The court-days of the following counties were altered, viz. Gloucester, Hardy, Hampshire, King William, Harrison, Orange, Mercer, Nelson, Greenbrier, Montgomery, Washington, Russell, Henry, Lancaster, Hustings court of Richmond, courts of quarter sessions in Montgomery, Washington & Russell.

113 Vesting the real estate of William Love, deceased, in Marion Love, and her heirs.

SESSIONS ACTS. 1787.

Chap. 1. An act to amend the laws of revenue, to provide for the support of civil government, and the gradual redemption of all the debts due by this commonwealth

2 To amend the several acts respecting the militia.

3 To amend an act, entituled, an act to amend the act, entituled, an act to restrict foreign vessels to certain ports in this commonwealth.

4 To amend the several acts of assembly concerning naval officers, and the collection of the duties.

5 Providing a sinking fund for the gradual redemption of the public debt.

6 Declaring tobacco receivable in payment of certain taxes for the year 1787.

7 Directing the mode of proceeding under certain executions.

8 Concerning the convention to be held in June next.

9 To amend the act, entituled, an act for establishing a high court of chancery.

10 To amend the act, entituled, an act for reforming the county courts, and for other purposes.

11 To encourage the speedy payment of arrearages of taxes into the public treasury.

12 To amend an act, for establishing a district court on the western waters.

15 Directing the sale of certain public lands—Lying in James City and Northampton, formerly annexed to the office of secretary.

16 To repeal an act, entituled, an act for the establishment of courts of assize, and for other purposes.—Attornies may practice both in superior and inferior courts, but may not prosecute an appeal in a superior court from a judgment or decree of any inferior court, in which he appeared for the appellant.—Five judges necessary to constitute a general court.

18 To authorise the courts of the several counties and corporations within this commonwealth, to appoint inspectors of lumber.

19 To empower the county courts in the district of Kentucky, to establish ferries within the same.

21 Prescribing the method of proving certain wills.

22 To explain and amend the acts for preventing fraudulent gifts of slaves.

23 Respecting the appointment of county court clerks, recommendation of surveyors, and for other purposes.—The act authorising the executive to remove magistrates repealed.

25 For the preservation of the entries made for lands in the district of Kentucky.

26 Prescribing the oaths of office to judges of the district courts.

27 Establishing several new ferries.

28 To amend the act, entituled, an act appropriating certain public taxes to the opening a waggon road from the state road to the mouth of the Little Kanawha, and for other purposes.

29 To amend the act, entituled, an act to impose certain duties.

30 To regulate the inspection of flour and bread.

31 To amend the act for appointing commissioners to liquidate and settle the expenses incurred in two expeditions carried on from the Kentucky district against the neighbouring Indians, and for other purposes.

32 To amend two acts of assembly, the one entituled, an act for keeping certain roads in repair, the other entituled, an act for opening and straightening certain public roads.

33 To repeal part of an act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America.

34 To repeal so much of all and every act or acts of assembly as prohibits the recovery of British debts.

37 For the punishment of persons guilty of stealing or selling free persons as slaves.

39 Establishing district courts.

40 For the more speedy recovery of debts due to this commonwealth.

41 To repeal so much of every act of assembly as authorises the auditor of public accounts to issue certificates for militia service performed during the late war.

43 To exempt certain persons from the payment of county levies and poor rates.

44 Providing for the regular payment of the expenses accruing from the trial of criminals in the county and corporation courts.

45 Concerning the redemption of paper money funded agreeable to the recommendation of congress.

46 Further continuing an act, to revive and amend in part an act, for giving further time to enter certificates for settlement rights, and for locating warrants on pre-emption rights, and for other purposes.

47 Concerning certain duties on tobacco.

48 To amend the acts concerning the poor.

49 Establishing several new inspections of tobacco, and reviving and establishing others. The following warehouses were established, viz Harrod's landing, on Kentucky river, in Mercer county; Hogan's, at the mouth of Hickman's creek, on the north side of Kentucky river, in the county of Fayette; Beall's, at the mouth of Beachfork, on Salt river, in the county of Nelson; Scott's, near the mouth of Craig's creek, on Kentucky river, in the county of Fayette; Boon's, in the town of Boonsborough, on Kentucky river, in the county of Madison; Collier's, on Kentucky river, in the county of Madison; Limestone, on the lower side of Limestone creek, in the county of Bourbon; Thornton's, in Alexandria; Nottoway, on the south side of Nottoway river, in the county of Southampton: The following were revived, viz. Meriwether's, in the town of New-Castle; Shepherd's, in King and Queen; Boyd's Hole, and

Machodack, on Potowmac; Bowler's, at Hampton; Portsmouth, Hood's, Rockett's, Rivanna, Suffolk, Urbanna, York, South-Quay, Davis's, and Lowry's; Yeocomico, Kinsale, Deacon's Neck, Littlepage's, Brick-House, College-Landing, and Porcupotank—Byrd's warehouse to be rebuilt with brick, and covered with slate or tile.

50 Opening and extending the navigation of Willis's river.

52 Further continuing the act, entituled, an act for the better regulating and collecting certain officers' fees, and for other purposes therein mentioned.

54 To establish a town in the county of Hampshire—Frankford established.

55 Adding part of the county of Brunswick, to the county of Greensville.

56 Adding part of the county of Hardy, to the county of Hampshire.

57 To amend the act, entituled, an act for establishing a town on the lands of James Wilkinson, in Fayette county, and a ferry across Kentucky river.

58 Concerning the personal estate of Nicholas Gentry, deceased.

59 To establish a town at the courthouse, in the county of Ohio.—West Liberty established.

60 Appointing trustees for the town of Leesburg in the county of Loudon.

61 To enlarge the town of Staunton, in the county of Augusta.

62 To vest the right of this commonwealth to a lot of land in the town of Staunton, in Thomas Poage, and his heirs.

63 To establish a town in the county of Mercer.—Danville, in Kentucky, established.

64 To explain and amend the act, for establishing the town of Boonsborough, in the county of Kentucky.

65 To establish a town on the land of Cuthbert Bullett, in the county of Prince William. Newport established.

66 To amend the act for appointing trustees to regulate the making of slopes for the passage of fish in the mill-dams within the county of Bedford.

67 Establishing a town on the lands of Levin Powell, in the county of Loudon.—Middleburg established.

68 Altering the court-day of the county of Charles City.

69 Altering the court-day of the county of Halifax.

70 To establish a town on the lands of David Gerrard, in the county of Berkeley.—Middletown established.

71 To establish a town on the lands of Ignatius Mitchell, in the county of Bourbon.—Charlestown established.

72 To amend the charter of the borough of Norfolk.

73 Concerning the emancipation of certain slaves, belonging to the estate of Joseph Mayo, late of Henrico county.

74 To confirm the freedom of certain negroes, late the property of Charles Moorman, deceased.

Chapters 75 and 76 are wanting.

77 Granting to John Fitch, the exclusive privilege of constructing and navigating boats impelled by fire or steam, for a limited time.

78 Authorising the directors of the public buildings in the city of Richmond, to convey to Philip Turpin, certain lands.

79 Giving John Hoomes the exclusive privilege of conveying persons in stage carriages between certain places for a limited time.

80 Establishing a new boundary line between the counties of Henrico and Hanover.

81 To amend the act, entituled, an act for incorporating the town of Petersburg, and for other purposes.

82 Giving Richard Towns and John Woolfolk the exclusive right of conveying persons in stage carriages to and from certain places for a limited time.

83 Establishing a town in the county of Hampshire.—Watson established.

84 To empower the vestry of the parish of St. James Northam, in the county of Goochland, to sell the glebe of the said parish, and to lay out the money in purchasing a more convenient glebe.

85 To amend the act appointing trustees to sell part of the lands of John Todd, deceased, for the payment of his debts, and for other purposes.

86 To encrease the allowance for pilotage between Urbanna and Tappahannock.

87 To amend the act for establishing certain inspections of tobacco.

88 Giving certain powers to the trustees of the town of Dumfries.

89 To establish a town in each of the counties of Mercer and Nelson.—Warwick and Bealsborough established.

90 To empower the trustees of the Fredericksburg academy, to raise a sum of money by way of lottery.

91 To establish a town in the county of Bourbon.—Maysville established.

92 Appointing commissioners to receive such proof, as may be adduced by certain persons, with respect to the destruction of their property in the borough of Norfolk in the year 1776.

93 To authorise the court of Accomack county, to levy a sum of money for the use of Charles Bagwell and the executors of Alexander Stockley.

94 Forming a new county out of the counties of Augusta, Hardy, and Rockingham.—Pendleton county formed.

95 Establishing an academy, and incorporating the trustees thereof.—Randolph academy established.

96 Appropriating one-sixth of the surveyors fees in the Kentucky district, to the use of the Transylvania seminary.

97 Regulating the rights of cities, towns, and boroughs, and the jurisdiction of corporation courts.

SESSIONS ACTS, 1788.

Chap. 3 An act appointing commissoners to examine Slate river.

4 Dividing the county of Bourbon.—Mason county formed.

5 To establish a town on the lands of Harman Cook, in the county of Pittsylvania.—Cooksburg established.

6 Adding trustees to the Randolph academy.

7 Adding trustees to the town of Greensville, in the county of Buckingham.

8 Authorising the sale of lands in the county of Albemarle, in certain cases.

9 Establishing an inspection of tobacco on the lands of John M'Crae, in the county of Prince William.

10 Dividing the county of Fayette into two distinct counties—Woodford county formed.

11 Establishing a town and an inspection of tobacco on the lands of Nicholas Cabell, in the county of Amherst.—The town of Warminster, and Swan creek inspection of tobacco established.

12 To prevent the importation of convicts into this commonwealth.

13 To amend the act, entituled, an act appropriating certain public taxes, to the opening a waggon road, from the state road to the mouth of the Little Kanawha, and for other purposes.

14 Forming a new county out of the counties of Greenbrier and Montgomery.—Kanawha county formed.

15 Establishing a town near Chester's Gap, in the county of Frederick.—Frontroyal established.

16 Establishing a town on the lands of William Anderson, in the county of Botetourt.—Parsonsburg established.

17 Establishing a town on the lands of William Crow, in the county of Botetourt.—Crowsville established.

18 Incorporating an academy in the county of Nelson.

19 Establishing an inspection of tobacco on the lands of Isaac Ruddle, in the county of Bourbon.—Ruddle's warehouse established.

20 Giving further time to the owners of surveys to return the plats and certificates thereof into the land office.

21 Giving further time to the owners of entries on the western waters to survey the same.

22 To alter the court-day of the county of Madison, and for altering the court of quarter session, in the county of Pendleton.

24 To repeal an act, entituled, an act to vest certain escheatable property in the children of William Short, deceased

25 Establishing a town on the lands of David Ross, at the Point of Fork.—Columbia, in the county of Fluvanna, established.

26 Establishing a town on the lands of Willoughby Tebbs, in the county of Prince William.—Carrbrough established.

27 Incorporating an academy, in the county of Fauquier.—Warren academy established.

28 Amending the act to prevent malicious maiming and wounding.

29 Giving further time to the purchasers of lots in the towns of Lewisburg, Stevensburg and Kinsale, to build upon the same.

30 For selling part of a lot in the town of Lexington, and county of Rockbridge.

31 Prescribing the mode of advertising estrays on the western waters.

32 Concerning incestuous marriages.

33 Vesting in trustees the interest which the commonwealth now hath, or hereafter may have, in a tract of land, whereof Robert Gilbert. died seized.

34 For the punishment of the crime of bigamy.

35 Releasing the escheat and forfeiture accruing on the conviction and attainder of John Price Posey, deceased.

36 To amend the act, entituled, an act to regulate the inspection of flour.

37 Releasing the escheat accruing on the death of Roscow Cole Bingham, deceased.

39 Establishing an inspection of tobacco in the town of Newport and county of Prince William.—Bullitt's warehouse established.

40 Altering the times of holding courts in the county of Henry.

41 Altering the days of holding courts in the town of Fredericksburg and county of Sussex.

42 Concerning the militia.

43 Opening and improving the navigation of Mattapony river.

44 Establishing several new ferries, and discontinuing one formerly established.

45 To regulate the suing out, and prosecuting writs of forcible entry and detainer.

46 Further amending an act, entituled, an act for establishing a district court on the western waters.

47 Giving certain powers to the trustees of the property of the Protestant Episcopal church

48 Establishing an inspection of tobacco on the lots of Alexander and Peterfield Trent, in the town of Manchester.—Trent's warehouse established.

49 Preventing impositions in the collection of taxes.

50 Concerning the practice of attornies.

51 To regulate surveyors' fees, in certain cases.

53 Amending the acts concerning the poor.

54 Concerning the importation of slaves, into the district of Kentucky.

56 Concerning the public hospital in the city of Williamsburg.

57 Appointing trustees for Philip Johnson, gentleman, and his children.

58 Giving further time to the purchasers of lots in the town of Moorfield to build thereon.

59 Establishing an inspection of tobacco on the lands of Abraham Shepherd, in the county of Berkeley.—Mecklenburg warehouse established.

60 Establishing a town in the county of Nelson.—Baird's town established.

61 To empower the trustees of the parish of Nottoway, in the county of Amelia, to sell the glebe of the said parish, and to lay out the money in purchasing a more convenient glebe.

62 Establishing several new ferries, in the county of Ohio.

63 Allowing the city of Richmond a representative in the house of delegates.

64 Dividing the county of Amelia.—Nottoway county established.

65 To amend an act, entituled, an act appointing commissioners to receive subscriptions for opening a road from the falls of the Great Kanawha, to Lexington, in Fayette county, and for appropriating certain public taxes to open the same.

66 To revive and amend an act, entituled, an act for opening and straightening certain public roads

67 Establishing district courts and for regulating the general court.

68 Amending the act, entituled, an act constituting the court of appeals.

69 Amending the several acts of the general assembly, concerning the high court of Chancery.

71 Concerning the court of admiralty, and the judges thereof.

72 Concerning the general court.—Three judges to constitute a general court.

73 Directing at what places the superior and county courts shall be holden, if the court-houses appointed by law should be destroyed.

74 Granting relief to sheriffs and collectors of the public revenue in certain cases.

75 Concerning the taxes due in the county of King William for the year 1787.

76 To amend the act for regulating the rights of cities, towns, and boroughs, and the jurisdiction of corporation courts.

77 To amend the act directing the mode of proceeding under certain executions.

78 Concerning certain public establishments.

80 To amend the several laws for appropriating the public revenue.

81 Concerning the erection of the district of Kentucky into an independent state.

83 To punish bribery and extortion.

SESSIONS ACTS, 1789.

Chap. 1. An act reducing the reward to apprehenders of horse stealers.

2 To continue the act, entituled, an act authorising the treasurer to receive specie into the public treasury by weight.

3 To amend the acts for appointing commissioners to liquidate and settle the expenses incurred in two expeditions, carried on from the Kentucky district, against the neighbouring Indians, and for other purposes.

6 To amend an act, entituled, an act for discouraging extensive credits, and repealing the act prescribing the method of proving book debts.

7 Providing remedy and punishment in cases of forcible entries and detainers.

8 Against forcible and stolen marriages.

11 Declaring the law concerning the carnal knowledge and abuse of a woman child under the age of ten years.

13 To amend an act, entituled, an act establishing district courts and for regulating the general court.

18 Amending the act concerning the court of appeals.

19 Against forgery.

20 Concerning the lost deeds, wills, records, and other writings of the county of Henrico.

21 Reducing the taxes of the present year.

23 Giving damages against witnesses who fail to appear according to summons.

25 To revive in part an act, entituled, an act to increase the reward for killing wolves in certain counties.

28 Concerning jeofails and certain proceedings in civil cases.

29 Authorising deputy sheriffs, in case of the death of their high sheriffs, to collect and distrain for arrearages of taxes.

30 Declaring the mode of proceeding in certain criminal cases.

31 Establishing certain inspections of tobacco.—The following warehouses established, viz: Walton's, in Nelson county; Parker's, in the same; Barksdales, in Petersburg; West-Hill, in the same; High-Street, in the same; West-Brook, in the same; Stuart's, in Nelson county; Henderson's, in Albemarle; Nicholas's, in the same; Morgan Town, in Monongalia.

33 To amend an act, entituled, an act concerning public roads.

34 Providing record books for transcribing certain entries for land, within the district of Kentucky.

35 Prescribing the mode of collecting the allowance to the commissioner of the high court of chancery.

36 To amend the several acts of assembly for keeping certain roads in repair.

37 Establishing several new ferries, and for erecting a toll bridge.

38 To appropriate the public revenue.

40 Directing the method of proceeding in impeachments.

42 Enforcing the collection and payment of debts due to the commonwealth, and for other purposes.

43 To prevent the burning of land warrants on which grants have issued, and for other purposes.

44 Appropriating a farther sum of money for building the capitol.

45 To amend the act for preventing the farther importation of slaves

47 Empowering the executive to superintend and arrange the offices of treasurer, auditor and solicitor.

48 To empower the county courts, in certain cases, to qualify collectors of taxes.

49 To amend the act, entituled, an act for surveying the lands given by law to the officers and soldiers on continental and state establishment, and for other purposes.

50 Further amending the act establishing a supreme court in the Kentucky district.

51 Altering the court days and quarter sessions of certain counties.—Court days altered of the county of Norfolk, town of Petersburg, borough of Norfolk, county of Isle of Wight, of Princess Anne: Quarter sessions of the counties of Norfolk, Princess Anne, Northampton, Nansemond, Stafford, Spotsylvania, Fairfax and Loudon to be held in June.

52 Annexing half an acre of land to the land already appropriated for erecting Rocketts warehouse.

53 To remove the court of the county of Norfolk, without the borough of Norfolk.

54 For selling certain lands in the county of Princess Anne.

55 For opening and extending the navigation of Pamunkey river.

56 Dividing the county of Montgomery, and adding part of the county of Botetourt to the county of Montgomery—Wythe county formed.

57 Altering the place of holding courts in the county of Fairfax.

58 Supplying the loss of the entry books and field notes of the surveyor for Henry county.

59 To amend and explain an act for appropriating certain taxes to the opening a waggon road, from the state road to the mouth of the Little Kanawha, and for other purposes.

60 Appointing trustees in the room of those appointed in the act, entituled, an act for appointing trustees to regulate the making of slopes, for the passage of fish in the mill dams within the county of Bedford.

61 Selling certain escheated lands in the county of Norfolk.

62 Repairing the road over the Blue Ridge, at Swiftrun Gap, in the county of Rockingham.

63 Appointing trustees of the town of Fincastle, in the county of Botetourt.

64 To authorise the common hall of the town of Petersburg, to impose a duty on vessels coming to or using the public wharfs, and for other purposes.

65 Empowering the trustees of the town of Lexington, in the county of Fayette, to sell a part of the public lot in the said town, for the purpose of erecting thereon a house of worship.

66 Granting further time to the possessors of lots, in the towns of Clarksburg, Morgan's town, Harrodsburg, and Louisville, for building thereon.

67 To empower the mayor and commonalty of the town of Fredericksburg, to lease parts of certain lots therein.

68 To authorise the trustees of Randolph academy, to raise a sum of money by lottery.

69 To establish a town in each of the counties of Madison, Albemarle, and Bourbon.—Milford, in Madison, Kentucky; Milton, in Albemarle; and Hopewell, in Bourbon, established.

70 Repairing the streets and aqueducts in the town of Staunton, and for preventing swine running at large therein.

71 Appointing trustees to the town of Romney, in the county of Hampshire, and for adding trustees to the town of Louisville, in the county of Jefferson.

72 To amend an act, entituled, an act incorporating the trustees of the Winchester academy, and to vest certain emoluments in the said academy.

73 Incoporating an academy in the county of Fauquier, and raising a sum of money by lottery for the use thereof.

74 To authorise the trustees of the Fredericksburg academy to raise a sum of money by lottery.

75 To authorise the raising a sum of money by lottery, for the use of the town of Alexandria.

76 Vesting in trustees the interest which the commonwealth now hath or hereafter may have in certain lands, whereof John Milstead died seized.

77 Vesting the real estate of Robert Read, deceased, in Margaret Read and her heirs.

78 Releasing the escheat accruing on the death of James Edzar the younger.

79 Concerning the marriage of Anne Dantignac.

80 Paying a sum of money to John Cox.

81 To enable David Stuart to re-convey a tract of land purchased by John Parke Custis, of Robert Alexander.

82 Vesting the estate of Samuel Abbott, deceased, in trustees, to be sold for the benefit of his children.

83 Concerning the escheated property of James Coupland, deceased.

84 For the purchase and manumitting negro Cæsar.

85 Manumitting two negro men slaves, belonging to the commonwealth.

86 Vesting in trustees the interest which the commonwealth now hath or hereafter may have in a tract of land, whereof John Calder died seized.

87 Appointing trustees for the purpose of purchasing certain slaves for the use and benefit of the children of James Bullock, dec'd.

88 Concerning a lot in the town of Hampton, whereof Michael Council died seized.

89 Giving William Pennock the exclusive right of conveying persons in stage carriages, to and from certain places, for a limited time, and for other purposes.

90 Vesting part of the estate of John Blatt, deceased, in Henry Vass and his heirs.

SESSIONS ACTS, 1790.

Chap. 1. An act concerning the taxes of the year 1790.

2 To repeal in part certain laws of revenue.

3 To repeal so much of the act imposing new taxes, and of all other acts which impose a tax on the clerks of courts.

4 To repeal part of the act imposing new taxes.

6 Remitting certain militia fines, and for other purposes.

7 Amending the acts concerning the court of appeals.

8 To amend the act, entituled, an act authorising the treasurer to receive specie by weight.

9 To remove certain doubts concerning the proceedings of the court of appeals in their present session.

10 Giving further time to the owners of entries on the western waters to survey the same.

11 Granting relief to certain persons migrating into this state.

12 Concerning the high court of chancery.

13 To amend the act, entituled, an act directing the course of descents.

14 Giving further time to the owners of surveys to return the plats and certificates thereof into the land office.

15 Concerning an advance of money to the government of the United States for public buildings.

16 To amend and explain so much of the laws of revenue as directs the allowance to be made to the commissioners of the land tax for their services.

17 Concerning sheriffs and collectors of the public revenue.

18 To continue two acts passed in the year 1788, directing the mode of proceeding under certain executions.

19 Concerning the hospital for the reception of persons of unsound mind.

21 Giving the compensation of half-pay to certain officers of the state line.

22 To declare the time when certain laws shall commence in force.

23 Providing funds for the support of government, and for the payment of the public debts.

24 For the better securing certain debts within mentioned, due and owing to the commonwealth.

27 Directing a seal for the high court of chancery.

28 Concerning the trustees of the Transylvania seminary.

29 To explain and amend the several acts of assembly concerning the town of Louisville, in the county of Jefferson and for other purposes.

30 To revive and amend the act, entituled, an act appointing commissioners to examine Slate river.

31 To amend an act, entituled, an act for surveying and apportioning the lands granted to the Illinois regiment, and establishing a town within the said grant.

32 Authorising the court of Bourbon county, to admit the recording of deeds in certain cases.

33 Establishing several new ferries, and discontinuing one formerly established.

35 To establish a ferry and erect a toll bridge across Meherrin river, from the land of William Gee.

36 Establishing several inspections of tobacco, and finishing Trent's warehouses.—Bourbon warehouse, in the county of Bourbon; Romney, in the county of Hampshire; Great Falls, in the county of Loudon; Woodson's, at Carter's ferry, in the county of Cumberland; Johnson's, in Manchester.

37 Reassessing the lands in the counties of Amelia and Nottoway.

39 To add twenty acres of land to the town of Charlottesville, in the county of Albemarle.

40 Dividing the county of Henry.—Patrick county formed.

41 Dividing the county of Gloucester.—Mathews county formed.

43 Forming a new county out of the counties of Augusta, Botetourt, and Greenbrier.—Bath county formed.

45 Establishing several towns.—The following towns established, viz. George Town, in the county of Woodford; Beverly, in Randolph; Fontville, in Botetourt; Matildaville, in Loudon; Carrersville, in Cumberland; & Springfield, in Hampshire.

46 Authorising several lotteries, and the sale of certain lots in the town of Portsmouth.

47 To amend the act which establishes the town of Hopewell, in the county of Bourbon, and for altering the name of the said town.

48 Appropriating a farther sum of money for the capitol.

49 Giving further time to the commissioners appointed for surveying and apportioning the lands granted to the Illinois regiment, to execute deeds for the same.

50 Giving further time to persons who have suffered by the destruction of Byrd's warehouses to establish their respective claims.

51 Giving further time to purchasers of lots in certain towns to build thereon, and for other purposes.

52 To amend an act, entituled, an act appropriating one-sixth part of the surveyors' fees in the district of Kentucky, to the use of the Transylvania seminary, and for other purposes.

53 To amend an act, entituled, an act for establishing a town in the county of Bourbon.

54 Removing obstructions from the road leading through the wilderness to Kentucky.

55 Altering the days of holding courts in the town of Winchester, and in certain counties, and for changing the quarter sessions in certain counties.

56 To empower the justices of Greenbrier and Kanawha, to levy a tax on the tithables within their respective counties, sufficient to repair the state road, leading from Lewisburg to the falls of the Great Kanawha.

58 For killing crows and squirrels in certain counties.

59 Authorising and requiring the trustees of the Protestant Episcopal Church to sell the glebe lands in the county of Hardy, and for other purposes.

60 Concerning certain regulations in the town of Lexington and county of Fayette.

61 To amend the act, entituled, an act for clearing Roanoke river.

62 Giving Joseph Wilsey, and others, the exclusive privilege of conveying persons in stage carriages, and for other purposes.

63 To increase the number and extend the powers of the trustees of the town of Staunton.

64 To grant certain privileges to the cities of Richmond and Williamsburg, and to the borough of Norfolk.

65 Directing the purchase of a bell for the capitol, and for other purposes.—Stoves for the hall of the House of Delegates, Senate room, and court room; and alterations in the Senate chamber.

66 To authorise and direct the commanding officers of certain counties within the district

of Kentucky, to order out guards for certain purposes.

67 Opening the navigation of Blackwater river, from Little Town on the said river, to Broadwater bridge.

68 Continuing the allowance of pensions to certain persons.

69 Concerning Joseph Hodges.

70 Making provision for Thos. Price, a wounded soldier.

71 Making an allowance to Thomas Nicolson for printing the journals of the Senate, and for regulating the salary of the public jailor.

72 Placing Mary Boush on the pension list.

73 Respecting Jacob Price & Abraham Nettles.

74 Authorising the auditor to issue to Joseph Calvert, a loan-office certificate for property destroyed in the borough of Norfolk.

75 Restoring a sum of money paid into the public treasury on account of the sale of the sloop, the Philadelphia Packet and her cargo.

76 Placing Richard Marshall and Robert Ferguson on the list of pensioners.

77 Concerning William Courtney

78 Granting a sum of money to William Shannon and others.

79 Restoring a sum of money to certain persons.

80 Paying a sum of money to John Woodson Ellis.

81 Restoring a sum of money to the executors of Robert Fairclaugh, deceased.

82 Paying a sum of money to Reuben Compton.

83 Directing duplicates of certificates and warrants to be issued to certain persons.

84 To repeal in part an act, entituled, an act directing duplicates of certificates and warrants to be issued to certain persons.

85 Directing payment of a sum of money to Richard Evers Lee, out of the proceeds of certain confiscated property.

86 Concerning Peter Francisco.

87 To vest certain lands whereof Henry Garnett is seized, in trustees to be sold and the money laid out in the purchase of other lands.

88 To confirm the sale of a lot of land made by James Herbert, as Guardian of his son Christopher Herbert, and for other purposes.

89 To release the right of this commonwealth to the estate of John Baker, deceased.

90 To vest in trustees a tract of land lying in Louisa county, to be sold for the benefit of the children of Roger Thompson.

91 To confirm the sale of a tract of land made by Thomas Newton, junior, and John Boush, administrators with the will annexed of John Hutchings, deceased, and for other purposes.

92 Concerning the marriage of Lewis Roberts.

93 Appointing trustees to confirm in Curtis Alderson a title to a certain tract of land.

94 Vesting in trustees the interest which the commonwealth hath in certain lands whereof Patrick Coutts died seized.

95 To credit John Taylor and Francis Warman certain sums of money.

96 To amend two acts of assembly appointing trustees to sell part of the lands of John Todd, deceased, for the payment of his debts, and for other purposes.

97 For paying a sum of money to Wills Cowper.

98 Authorising certain trustees to make sale of a lot of land in the county of Accomack.

99 Paying the officers of the general assembly for their services during the present session.

SESSIONS ACTS, 1791.

Chap. 1. An act concerning the taxes of the year one thousand seven hundred and ninety-one.

2 Appropriating the public revenue.

3 To amend and continue two acts, passed in the year 1788, directing the mode of proceeding under certain executions.

4 Giving further time to the owners of surveys to return the plats and certificates thereof into the land-office.

8 To amend the act, entituled, an act for ascertaining certain taxes and duties, and for establishing a permanent revenue.

9 Amending the several laws establishing the sinking fund.

10 Concerning the offices of auditor and solicitor.—Office of solicitor discontinued.

11 To explain and amend the act, constituting the present court of appeals.

12 Altering the time of holding the sessions of the court of appeals, and a session of the high court of chancery.—Sessions of court of appeals altered from first of June and first of November, to tenth of April and tenth of October. Session of high court of chancery altered from twelfth of October to first of September.

13 Further continuing three acts of assembly concerning the better regulating and collecting certain officers' fees, and for other purposes therein mentioned.

16 To amend and explain the act, entituled, an act for further continuing three acts of assembly concerning the better regulating and collecting certain officers' fees, and for other purposes therein mentioned.

17 To amend and explain an act, entituled, an act remitting certain militia fines, and for other purposes.

18 To amend the act, entituled, an act for the inspection of pork, beef, flour, tar, pitch and turpentine.

19 Respecting the deputy register's office, in the district of Kentucky.

20 To amend the act, entituled, an act for providing for the poor of the different counties of this commonwealth.

22 Concerning the salary of the register of the land office.

23 For the regulation of ferries.

24 To amend the act, entituled, an act for the better securing certain debts within mentioned, due and owing to the commonwealth.

25 To amend the act concerning pilots.

26 Concerning the public jail in the city of Williamsburg, and for other purposes.

28 Concerning the reassessment of the lands in Amelia and Nottoway.

29 To revive the inspection of tobacco at Crutchfield's in Hanover Town.

30 To establish an inspection of tobacco in the county of Woodford.

31 For establishing several inspections of tobacco.—Amherst warehouse, in the county of Amherst; Booker's, on Staunton river, in Halifax; and Horseley's, at the mouth of Bent creek, in Buckingham.

32 Concerning the inspection of tobacco at Trent's warehouses.

35 To appoint commissioners to examine Banister river.

36 Altering the quarterly court days in the county of Westmoreland, and for other purpos-

es.—The quarter sessions of Cumberland, King George, and Hampshire, altered; and the court days of Hampshire and Amherst counties.

37 Altering the time of holding a quarterly court in the county of Frederick.

38 To repeal in part an act entituled, an act for killing crows and squirrels in certain counties.

39 For clearing Banister river.

40 Concerning the poor of the parish of Suffolk, in the county of Nansemond.

42 To establish a ferry across the mouth of Wheeling creek, in the county of Ohio.

43 To establish several new ferries, and discontinue a former one.

44 To amend in part, an act for opening the navigation of Blackwater river, from Little town on the said river, to Broadwater bridge.

45 Giving further time for opening and completing certain roads.

46 To amend the act for opening and improving the navigation of Mattapony river.

47 Concerning the Nansemond tribe of Indians.

48 Adding part of the county of Henry to the county of Patrick.

49 Concerning the academy in the county of Accomack.

50 To amend an act, entituled, an act to amend an act, entituled, an act appropriating one-sixth part of the surveyors' fees, in the district of Kentucky, to the use of the Transylvania seminary, and for other purposes.

51 To amend the act, entituled, an act for establishing an academy, and incorporating the trustees thereof.

52 To establish an academy in the county of Powhatan, and incorporate the trustees thereof.

53 Concerning the corporation of the town of Petersburg.

54 To establish several towns, and for other purposes.—Saint Tammy, on Roanoke, in the county of Mecklenburg; George Town, in Goochland; Madison, in Amherst; Martinsville, in Henry; Keisell's Town, in Rockingham; Charlestown, in Ohio; Jerusalem, in Southampton; and Darksville, in Berkeley.

55 Giving further time to the purchasers of lots in the town of Warminster to build thereon, and for other purposes.

56 Adding trustees to the town of Patesfield, in the county of Isle of Wight.

57 Giving further time to the purchasers of lots in the town of Charlestown, to build thereon.

58 Concerning the marriage of Robert Turnbull.

59 Vesting eight hundred acres of land whereof Philip Lutz died seized, in Mary Cooper and her heirs.

60 Vesting in John and Hillary Fentress, the interest which the commonwealth hath in certain lands lying in the county of Norfolk.

61 Giving further time to John Stewart, to locate and survey certain lands.

62 To repeal the act authorising the executors of James Scott, deceased, to sell a part of his lands for the payment of his debts.

63 Appropriating a sum of money for making certain repairs to the houses occupied by the governor of this commonwealth.

64 To explain and amend an act, entituled, an act to vest certain lands, whereof Henry Garnett is seized, in trustees to be sold, and the money laid out in the purchase of other lands.

65 Granting to the directors of the public buildings a sum of money for the purposes therein mentioned.

66 Vesting in John Campbell, the interest which the commonwealth hath in one thousand acres of land, lying at the falls of the Ohio river.

67 Appointing trustees to sell part of the lands of the reverend David Griffith, deceased, for the payment of certain debts, and for other purposes.

68 Concerning the clerks within the district of Kentucky.

69 Authorising lotteries for the benefit of the Episcopal society.

70 To raise a sum of money, not exceeding seven hundred and fifty pounds, by way of lottery, for the purpose of building a Free Masons' Hall, in the county of Charlotte.

71 Authorising several lotteries.

72 Lending a sum of money to certain French emigrants.

73 Authorising William Tatham, to raise by way of lottery, a sum of money to enable him to complete the geographical work in which he is at present engaged.

74 Concerning Thomas Herbert, and others.

75 Concerning Frederick Fisher.

76 Concerning John Wheeler.

77 For paying a sum of money to William Hay.

78 Concerning Edmund Webb, and others.

79 Allowing pensions to sundry persons therein mentioned.

80 Concerning John Stith.

81 For paying a sum of money to John A. Chevallie, agent for Penet, Dacosta, Brothers, and company.

82 For paying the officers of the general assembly for their services during the present session.

83 Concerning Wilson Cary, and others.

84 Concerning Oliver Pollock.

85 Directing a sum of money to be paid William Pennock and George Nicolson.

86 Refunding certain payments to John Thomas and Thomas Newton.

SESSIONS ACTS, 1792

Chap 2. An act for imposing a public tax for the year one thousand seven hundred and ninety-two.

3 Appropriating the public revenue.

5 Reducing into one the several acts concerning executions, and for the relief of insolvent debtors.—[Passed December 13, 1792.]—*Note*—This act took effect from the passing, and was continued in force till the first of January 1794; see the last section of the act, sessions acts of 1792, ch. 5, sec 57, pa. 23 See also, ch. 29, sec. 2, pa. 86, of sessions acts of 1792, and Rev. Code, vol. 1, ch. 150, sec. 2, pa. 293, by which it is declared that the operation of this act should not be suspended. In the session of 1793, an act, nearly under the same title, and containing nearly the same provisions passed; (see sessions acts of 1793, ch. 3, pa. 6,) which was published in the Rev. Code, (ch. 151, pa 294.) but the above act of 1792, was omitted.

7 Giving further time to the owners of surveys to return plats and certificates thereof into the land office.

8 Giving further time to the owners of entries on the western waters, to survey the same.

23 For the relief of persons owning surveys, returned into the register's office, on which no patents can issue in consequence of the erection of Kentucky into an independent state

24 Authorising the general court to appoint a clerk pro tempore.

25 Remitting certain militia fines.

26 To authorise the executive to remit the damages against delinquent sheriffs in certain cases.

31 Granting a sum of money for the capitol.

32 To declare the time when certain laws shall commence in force

33 Concerning the seal of the high court of chancery.

34 Empowering the executive to advance to the public printer a sum of money for purposes therein mentioned

35 For the relief of owners of entries in the county of Henry.

36 To facilitate the intercourse of the inhabitants of this commonwealth with the state of Kentucky.

37 Authorising and directing the court of the county of Rockingham, to levy a sum of money for the purposes therein mentioned.

38 Authorising and directing the courts of the counties of Hampshire and Hardy, to levy a sum of money for the purpose therein mentioned.

39 Authorising and directing the court of the county of Southampton, to levy a sum of money for the purposes therein mentioned.

40 Authorising the court of the county of Halifax to appoint a person or persons to convey titles to certain lands in the said county.

41 Concerning the Nottoway tribe of Indians.

42 Empowering the county court of Northampton to appoint trustees for the purpose of protecting the rights of the Gingaskin tribe of Indians.

43 To amend the several acts for opening a waggon road from the state road to the mouth of the Little Kanawha.

44 Giving certain powers to the commissioners of the road, from Morgan Town to the mouth of Fishing creek.

45 To appoint commissioners for certain purposes in the county of Halifax.

46 Appointing trustees for the sale of certain lands, the property of the Tinkling Spring congregation, in the county of Augusta.

47 Authorising the sale of lands in the county of Prince Edward in certain cases.

48 Appointing trustees in the county of Prince Edward, for the purposes therein mentioned.

49 Dividing the county of Russell into two distinct counties.—Lee county formed.

50 Dividing the county of Culpeper.—Madison county formed.

51 Dividing the county of Wythe.—Grayson county formed.

52 To revive and amend in part an act for increasing the reward for killing wolves in certain counties.

53 Establishing the county line of the counties of Amelia and Nottoway, the dividing line of the parishes of Rawleigh and Nottoway.

54 For re-assessing the lands in the county of Kanawha.

55 To alter the court days of the counties of Shenandoah, Hampshire and Accomack, and changing the quarter sessions in the counties of Shenandoah, Berkeley, and Hampshire.

57 To authorise John Sinclair to build a toll bridge in the county of Isle of Wight.

58 To discontinue Crawford's ferry, at Mulbery Island Point, in the county of Warwick.

61 Concerning certain tobacco inspections within the town of Petersburg.

62 To establish an inspection of tobacco on the lands of John Scott, in the county of Albemarle.—Scott's warehouse established.

63 To establish an inspection of tobacco on the lands of William Cabell, in the county of Amherst.—Tye river warehouse established.

64 To establish an inspection of tobacco in the town of Saint Tammy.—Tammy's warehouse established.

65 To establish a town and inspection of tobacco on the lands of John Hoomes, in the county of Caroline.—The town of Milford and York warehouse established.

66 To establish an inspection of tobacco in the town of Lynchburg, and county of Campbell.—Spring warehouse established.

67 To establish a town in the county of Loudon.—Centerville established.

68 Concerning the town of Springfield, in the county of Hampshire.

69 To establish a town at the courthouse in the county of Patrick.—Taylorsville established.

70 Establishing a town in the county of Wythe. Evansham established.

71 Establishing several towns.—Christiansburg, at Montgomery courthouse; Woodstock, on Aquia creek, in Stafford; Wisenburg and Germantown, in Franklin, established.

72 To establish a town in the county of Buckingham.—Dieuguidsville established.

73 Giving the purchasers of lots in several towns a further time to build thereon.

74 To establish an academy, and incorporate the trustees thereof, in the county of Augusta.

75 To establish an academy, and incorporate the trustees thereof, in the county of Wythe.

76 Establishing a bank in the town of Alexandria.

77 Establishing a bank in the city of Richmond.

78 Directing duplicates of a warrant and certificates to be issued to James Upshaw, junior, Christopher Robertson, and others.

79 Directing duplicates of certificates and warrants to be issued to certain persons.

80 Directing the register of the land office to issue a land warrant to Bellfield Cave.

81 Authorising the register of the land office to issue a land warrant in favor of Robert Shelton and others.

82 For issuing certificates to several persons.

83 Directing the auditor of public accounts to issue certificates to certain persons.

84 Authorising the auditor to issue to the heir and representative of colonel Joseph Hutchins, deceased, a loan office certificate for property destroyed in the borough of Norfolk.

85 For paying Anthony Walke, executor of Anthony Walke, deceased, for certain property destroyed in the borough of Norfolk.

86 Directing the auditor of public accounts to issue a certificate to John Stewart.

87 Concerning a warrant issued to John Cox.

88 Placing James M'Amish on the list of pensioners.

89 Increasing the pension of Richard Taylor.

90 Allowing pensions to several persons.

91 Authorising the register of the land office to issue a duplicate land warrant to the heirs of John Wilkins, deceased.

92 To emancipate Rose, and her children David, Judy and Katy.

93 For the manumission of a negro named Saul.

94 Authorising the emancipation of Abraham, a negro slave, late the property of Benjamin Temple.

95 Concerning Henry Stratten.

96 Concerning Robert Pollard.

97 Concerning John Fleming and others.

98 Continuing to John Hoomes and others, the exclusive privilege of conveying persons in stage carriages, to and from certain places, for a limited time.

99 Concerning Thomas Newton, junior.

100 Suspending certain executions.

101 Refunding the damages on two judgments obtained against Thomas Claiborne and William Griffin.

102 For the relief of Edward Booker.

103 For paying the officers of the general assembly for their services during the present session.

104 To empower Holt Richeson to collect and distrain for certain taxes in the county of King William.

SESSIONS ACTS, 1793.

Chap. 4. An act making provision for support of civil government.

5 Appropriating the public revenue.

6 Concerning the taxes due for the year 1792.

10 To authorise the register of the land-office to deliver the original title papers, respecting lands in the state of Kentucky.

21 For selling certain lands belonging to the commonwealth.—Bristow's land, in the county of Prince William, and the Ship Yard tract, in James City.

25 To appoint commissioners to examine Slate river, and report to the next general assembly.

26 To amend the act, entituled, an act to amend the act, entituled, an act for clearing Roanoke river.

29 Clearing and extending the navigation of the Monongahela and West Fork rivers.

30 To amend the act, entituled, an act for opening and extending the navigation of Pamunkey river.

31 For opening and clearing the navigation of Rappahannock river.

32 Altering the time of holding courts in certain counties.—The quarter sessions of Glouces ter, Grayson, and Patrick, and the court days of the two latter counties altered.

33 To amend in part, an act for increasing the reward for killing wolves in certain counties.

34 Legalising certain proceedings of the county court of Madison.

35 To revive and amend an act, entituled, an act to empower the court of the county of Rockingham to levy a sum of money, for the purposes therein mentioned.

36 Concerning the revaluation of certain lands in the county of Southampton.

37 Authorising the court of the county of Albemarle to appoint a person or persons to convey titles to certain lands in the said county.

38 To revive and amend in part an act, entituled, an act granting relief to owners of entries in the county of Henry.

39 Authorising the court of Randolph county o open a waggon road from the courthouse to the state road at David Manear's on Cheat river.

42 For erecting slopes in the mill dams across Banister river.

43 To establish an inspection of tobacco in the county of Halifax.—Dunkirk established.

44 To establish an inspection of tobacco on the lands of William Cannon, in the county of Buckingham.—Cannon's warehouse established.

45 To establish an inspection of tobacco in the county of Pittsylvania.—Danville warehouse established.

46 To establish an inspection of tobacco on the lands of William Dix, in the county of Pittsylvania.—Dix's warehouse established.

47 To increase the salaries of the inspectors at Amherst warehouse,

48 To increase the salaries of the inspectors of tobacco, at Horseley's warehouse, in the county of Buckingham.

49 To fix and provide for the payment of the salaries of the inspectors at Shocko warehouse.

50 For paying the balance of salaries to the inspectors at Rocky Ridge warehouse.

51 Vesting in William Hepburn and John Dundas, part of the tobacco warehouses in the town of Alexandria.

52 To discontinue the inspection of tobacco at Falmouth warehouse.

53 To discontinue the inspection of tobacco at Dumfries warehouse.

54 Concerning the tobacco destroyed by the burning of Rocky Ridge warehouses.

55 To establish a town at the Hot Springs, in the county of Bath.—Hot Bath established.

56 To establish several towns.—Brownsburg, in Rockbridge; Philipsburg, at Aylett's warehouse, in King William; Marysville, in Campbell; and Danville, in Pittsylvania, established.

57 Establishing certain towns.—Oxford, in the county of Caroline; and Dunkirk, at Todd's warehouse, in the same county, established.

58 To establish a town on the lands of William Cannon, in the county of Buckingham.—New-Canton established.

59 Concerning the town of Bath in the county of Berkeley.

60 Concerning the town of Mecklenburg, in the county of Berkeley, and for other purposes.

61 Giving further time to the owners of lots, in the town of Lynchburg, to build thereon.

62 For erecting a market-house in the town of Martinsburg, and county of Berkeley.

63 Giving further time to the owners of lots in the town of Moorefield to build thereon.

64 To appoint additional trustees to the town of Morgan Town, in the county of Monongalia.

65 Ascertaining the boundaries of the city of Richmond, and for other purposes.

66 Concerning the capitol in the city of Williamsburg.

67 To repeal in part an act, entituled, an act for establishing a town in the county of Wythe.

68 For the relief of the emigrants from St. Domingo.

69 To amend the act, entituled, an act concerning the Nottoway tribe of Indians.

70 Providing for the settlement and payment of certain claims against the parish of Botetourt and for other purposes.

71 Directing duplicates of certificates and warrant to be issued to certain persons.

72 Directing the register of the land-office to issue a land warrant to William Smith.

73 Directing the register of the land-office to issue land warrants to certain persons.

74 Authorising the register to issue a duplicate land warrant to Gilbert Combs and others.

75 To remit the damages on a judgment obtained against Benjamin Branch, deceased.

76 Replacing Andrew Green on the pension list.

77 Placing Ann Hill and Thomas Harris, on the list of pensioners.

78 Concerning Benjamin Blackburne, a pensioner.

79 Placing John Wright on the list of pensioners.

80 Concerning John M'Colley, and others.

81 Concerning Van Swearingham.

82 Concerning Alexander M'Farland.

83 Directing the payment of a sum of money to Thomas Newton, for the purposes therein mentioned.

84 To pay William Nice a sum of money for the purposes therein mentioned.

85 Directing the auditor of public accounts to issue certificates to certain persons.

86 Directing the auditor to issue certificates to certain persons.

87 Concerning Charles Pierer.

88 For paying Thomas Paul for cleaning the several apartments of the capitol, occupied by the general assembly, and for other purposes.

89 For paying the officers of the general assembly, for their services during the present session.

SESSIONS ACTS, 1794.

Chap. 1. An act making provision for the support of civil government.

2 Appropriating the public revenue.

11 Giving further time to the owners of certain surveys to return plats and certificates thereof into the land office, and a further time to the owners of entries on the western waters, to survey the same.

12 Concerning inspectors of tobacco.—This act merely authorises inspectors to retain as much of the surplus duty on tobacco, in the year 1794, as would make good the deficiency of the salaries for the year 1793.

13 Concerning the register of the land-office.—Register allowed two clerks; and to make out grants on plats returned to the land-office in the time of the former register.

23 Concerning certain taxes due in the county of Washington.

27 Altering the place of holding courts in the county of Caroline.

28 Altering the court days and quarter sessions of certain counties.—The court days of Hampshire, Hardy, Northampton, Westmoreland, Albemarle, Hustings of Alexandria, and Berkeley altered: and the quarter sessions of Westmoreland and Alexandria.

29 Repealing the act, authorising and directing the courts of the counties of Hampshire and Hardy to levy a sum of money for the purposes therein mentioned.

30 To establish an inspection of flour at Urbanna.

31 For selling the glebe land of the parish of Tillotson, in the county of Buckingham.

32 Appointing commissioners to superintend the opening a road from Elk river in Kanawha county, to the mouth of the Great Kanawha river.

33 Opening the road over the Blue Ridge at Swift Run Gap, in the county of Rockingham.

34 To continue an act, entituled, an act to empower the justices of Greenbrier and Kanawha, to levy a tax on the tithables within their respective counties, sufficient to repair the state road, leading from Lewisburg to the falls of the Great Kanawha.

35 Opening a road from the Block House, in Washington, to the Cumberland mountain, in the county of Lee.

36 Altering the boundary line of the county of Grayson.

37 Granting to the college of Hampden Sydney, certain lands whereof Robert Rutledge died seized.

38 To incorporate the trustees of Martinsville academy, in the county of Henry.

39 Authorising the sale of certain lots or parcels of lands in the town of Romney, and for other purposes therein mentioned.

40 Concerning the town of Fincastle, in the county of Botetourt.

41 Establishing a town on the land of Samuel Hyde Saunders, in the county of Powhatan.—Town of Jefferson established.

42 To establish an academy and incorporate the trustees thereof, in the town of Petersburg.

44 Establishing several towns.—The following towns established, viz. New Salem, in the county of Harrison; Franklin, in Pendleton; New Market, in Amherst; Jonesville, in Lee; Stanardsville, in Orange; Charlestown, in Kanawha; Point Pleasant, in the same; and Middleton, in Frederick.

45 Authorising the cutting of drains in the county of Accomack.

46 To compel the proprietor of the salt springs, in the county of Washington, to inclose the same.

47 For the relief of the people of Grayson county, and appointing commissioners to give them settlement and pre-emption rights.

48 For improving the navigation of Slate river.

49 To authorise the building of iron works on the west fork of Monongalia river.

51 Concerning the clearing of the north fork of James river.

52 Concerning Thomas Harvey and others.

53 Concerning Lucy Armistead.

54 Placing James Robison on the list of pensioners, and for other purposes.

55 Concerning John Taylor, executor of Thomas Williamson, deceased.

56 Suspending the proceedings on a certain forthcoming bond, entered into by Cicelia Anderson, administratrix of William Anderson, deceased.

57 Concerning Sarah Tool and Dorothy Tanner.

58 Concerning Charles Connor.

59 For issuing duplicates of certain certificates to Nathaniel Dennis and James Wade.

60 Appointing additional trustees to convey to Ignatius Perry, a tract of land therein mentioned.

61 Directing the auditor of public accounts to issue to James Ramsay a duplicate of a military certificate.

62 Directing the auditor to issue warrants in payment of the losses sustained by the burning of Rocky Ridge warehouse.

63 Vesting in the heirs of William Pittman, deceased, a certain tract of land therein mentioned

64 Vesting in the widow and heirs of James Dixon, deceased, a tract of land whereof John Richmond died seized.

65 Concerning William Gray, and others.

66 Concerning Alexander Madill.

67 Concerning James Osborne, and others.

68 Directing a duplicate of a military certificate to be issued to Moore Bell.

69 Concerning William Moseley.

70 Concerning Ansylum Tupper and John Salmon.

71 Granting a sum of money for repairing the governor's house, and for other purposes.

72 For paying the officers of the present general assembly.

73 Concerning John Clarke, and others.

SESSIONS ACTS, 1795.

Chap. 6. An act making provision for the support of civil government.

7 For appropriating the public revenue.

12 Authorising the executive to procure arms for the defence of the commonwealth.

21 For augumenting the capital stock of the bank of Alexandria.

22 Giving a further time to the owners of entries on the western waters to survey the same.

27 Altering the court days and quarterly sessions of the county of Hanover, and for other purposes.

28 For altering the quarterly courts in the county of Mecklenburg.

29 To alter the place of holding courts in the county of Surry.

30 To alter the court day of the district court of Winchester.

31 To associate subcribers for the purpose of forming an artificial road from Alexandria to Little river, and for other purposes.

32 To ascertain the line dividing the counties of Greenbrier and Kanawha.

33 Directing an additional warehouse at Amherst inspection.

34 For repairing the waggon road from Savage river to Morgan Town.

36 For opening and extending the navigation of Quantico creek, in the county of Prince William.

37 For opening and improving the navigation of Piankitank river, and the waters thereof

38 Incorporating the overseers of the poor of the county of Frederick, and the overseers of the poor for the borough of Winchester, and for other purposes.

39 To discontinue the inspection of tobacco in the town of Alexandria.

40 For the relief of the people of Washington, Botetourt, and other counties, respecting the arrears of their certificate tax.

42 To alter the boundary line of the counties of Botetourt and Montgomery.

43 For erecting slopes on the mill dams across Southanna river.

44 For erecting slopes in the mill dams across South river, in the county of Augusta.

45 To amend an act, entituled, an act for opening and clearing the navigation of Rappahannock river.

47 To establish several new ferries, and for other purposes.

48 Establishing the boundaries of the land belonging to the county court of Lancaster, and for other purposes therein mentioned.

49 Concerning Samuel Templeman, and Thomas Spence.

50 Vesting in David Putney, certain lands therein mentioned.

51 To amend the act, entituled, an act appropriating certain public taxes, to the opening a waggon road, from the state road to the mouth of the Little Kanawha.

52 Allowing a further time to the purchasers of lots in the town of Kinsale, in the county of Westmoreland, to build thereon.

53 For removing the obstructions to the passage of fish in Tygers Valley river.

55 Granting a sum of money to the directors of the public buildings, for the purposes therein mentioned.

56 Giving further time to the owners of lots in the town of Cartersville, in Cumberland county, to build thereon, and for other purposes.

58 To incorporate the library society of the town of Petersburg.

59 For placing Mary Cornhill on the list of pensioners.

60 Refunding to John Bott and others, certain sums of money.

61 Conveying to Achilles Helm, certain lands therein mentioned.

62 For paying William Ward a sum of money.

63 Continuing to John Hoomes and others, the exclusive privilege of carrying persons in stage carriages, to and from certain places, for a limited time.

64 Further suspending the proceedings on a certain forthcoming bond, entered into by Cecelia Anderson, administratrix of William Anderson, deceased.

65 Concerning the representatives of John Mecon, deceased.

66 Concerning Joseph Biggs and Alexander Clagg.

67 For paying certain sums of money to William Leftwich and Robert Lathram and Robert Slaughter.

68 Directing the auditor of public accounts to issue a certificate to Thomas Hurst.

69 Allowing Thomas Walke a further time to complete the collection of certain taxes therein mentioned.

70 Concerning Thomas Mathews.

71 For paying a sum of money to the executors of William Sydnor, deceased

72 Placing William Tucker on the list of pensioners.

73 Appointing agents for the sale of certain lands therein mentioned, and for other purposes.

74 Placing Michael Jordan on the list of pensioners.

75 For issuing a duplicate of a military certificate to Thomas Bedford.

76 Concerning John Thomas.

77 To incorporate trustees to an academy, in the vicinity of New-London.

78 Giving further time to the purchasers of lots, in the towns of Centerville and Lewisburg, to build thereon.

79 Concerning the town of Leesburg, in the county of Loudon.

80 To establish a town on the land of Ebenezer Zane, in the county of Ohio.—Wheeling established.

81 Establishing a town at the mouth of Ballinger's creek, in the county of Albemarle.—Warren established.

82 To establish a town on the land of Alexander Le Grand, in the county of Prince Edward.—German Town established.

83 To repeal and amend an act, entituled, an act to establish several towns.—Brooksville in Botetourt, established; and so much of the act of 1790, as establishes the town of Fontville repealed.

84 Concerning the town of Woodstock, in the county of Shenandoah.

85 To elect trustees of the town of Staunton, and to amend the law respecting the same.

86 To establish a town on the land of Joseph Spencer and Abner Lord, in the county of Harrison.—Vienna established.

90 To authorise the executive to advance money to William Hueston, and for other purposes.

91 For paying the officers of the general assembly for their services during the present session.

SESSIONS ACTS, 1796.

Chap. 3. An act making provision for the support of civil government.

4 Appropriating the public revenue.

15 For cutting a canal from the waters of Elizabeth river to the waters of North river

21 To establish several towns.—The following towns established, viz. Jonesborough, in the county of Grayson; Mechanic. in Orange; Ca Ira, in Cumberland; Salem, in Fauquier; Washington, in Culpeper; Ligon Town, on Appomattox; Clementstown, in Amelia; Dickensonville, in Russell; James Town, in Prince Edward; Amsterdam, in Botetourt; Pleasantsville, in Monongalia; and Bernardsburg, in Fluvanna.

22 To establish several inspections of tobacco.—Town's warehouse, in Prince Edward; Clement's, in Amelia; Rosegill, in Middlesex; Dean's, in Cumberland; and Campden, in Amherst.

29 Altering the court day of the court of Hustings of the town of Alexandria.

30 To amend the act, entituled, an act for opening and improving the navigation of Quantico creek, in the county of Prince William.

31 Concerning the town of Alexandria.

32 Adding to the town of Alexandria, certain lots contiguous thereto, and for other purposes therein mentioned.

33 To alter the time of holding courts in the county of Campbell.

34 Altering the court days of the county of Frederick, and of the borough of Winchester.

35 Altering the court day and quarter sessions of the county of Southampton.

36 To repeal the act, for altering the quarterly courts of the county of Mecklenburg.

37 To extend the jurisdiction of the Hustings court of Norfolk borough.

38 Altering the court day and quarterly sessions of the county of Powhatan

39 Altering a quarterly session of the court of Hustings for the city of Williamsburg.

40 Concerning the tobacco destroyed, by the burning of Dixon's warehouse

41 Erecting Liberty Hall academy into a college.

46 For killing squirrels or crows in certain counties.

47 Giving further time to the owners of certain surveys, to return plats and certificates thereof into the land office, and a further time to the owners of entries on the western waters to survey the same.

48 To establish a town on the lands of George Carrington, in the county of Halifax. South Boston established.

50 For opening and improving the navigation of Pig river.

51 Giving further time to the commissioners appointed for surveying and apportioning the lands granted to the Illinois regiment, to execute deeds for the same.

52 Supplemental to the act, entituled, an act giving further time to the commissioners appointed for surveying and apportioning the lands granted to the Illinois regiment to execute deeds for the same.

53 Giving further time to build upon, and save the lots in certain towns.—Stevensburg, in Culpeper; Beverley, in Randolph; Saint Taminy, in Mecklenburg; Madison, in Amherst; and Jerusalem, in Southampton.

54 To incorporate the trustees of an academy, in the county of Brunswick.

55 Appointing trustees of the town of Fairfax, and allowing the owners of lots therein, further time to build thereon.

56 Adding part of the county of Bath to the county of Pendleton.

57 To amend the act, entituled, an act authorising the sale of certain lots or parcels of land in the town of Romney, and for other purposes.

58 Dividing the county of Ohio.—Brooke county formed.

59 To establish a town at the Red Springs. Frontville formed.

60 For assessing the lands in the counties of Greenbrier, Kanawha and Randolph.

61 To incorporate the trustees of the charity school of Fredericksburg.

62 Supplemental to the act, entituled, an act to incorporate the trustees of the charity school in Fredericksburg.

63 For reassessing the lands in the counties of Ohio and Brooke.

64 Vesting in Rudolph Huffer, a piece of land therein mentioned.

65 Continuing Mary Boush on the list of pensioners.

66 To incorporate a library company in the county of Loudon.

67 Concerning Anthony Street.

68 Concerning Nicholas Vanstaphurst, Jacob Vanstaphurst, and Nicholas Hubbard.

70 Concerning Samuel Griffin.

71 To amend the act, appropriating money for repairing the road leading from Savage river to Morgan Town.

72 For selling the lot and ruins of the workhouse in the parish of Elizabeth river.

73 For repairing the waggon road from the town of Lewisburg, in Greenbrier county, to the Kanawha river.

74 To amend the act, entituled, an act to alter the boundary line of the counties of Botetourt and Montgomery.

75 For paying to the administrator and administratrix of Thomas Elder, deceased, the money produced by the sale of his lands, for the purposes therein mentioned.

77 Authorising Peter Caverley to lease, for the benefit of the orphans of David Arell, certain lots whereof he died seized, in the town of Alexandria.

78 To authorise a lottery in the county of Shenandoah.

79 To authorise one or more lotteries in the borough of Norfolk.

80 To authorise a lottery for the benefit of the sufferers by fire in the town of Lexington.

81 To authorise a lottery in the town of Petersburg.

82 To raise by lottery, a sum of money for the use of the New-London academy.

83 To authorise a lottery for clearing Roanoke river.

84 Authorising a lottery in the county of Gloucester.

85 To authorise a lottery for the purpose of repairing certain roads.

SESSIONS ACTS, 1797.

Chap. 11. An act for appropriating the public revenue.

17 Giving further time to the owners of certain surveys, to return the plats and certificates thereof into the land office.

20 To incorporate a company for marine insurance, and other purposes, in the town of Alexandria.

21 Concerning the city of Richmond.

25 For removing the superior court from the town of New London.

26 To empower the justices of the county of Ohio, to alter the place of holding courts therein.

27 Altering the court day and quarterly sessions of the county of Pendleton.

28 To empower the court of Russell county to appoint persons to solemnize the rites of marriage.

29 Altering the quarterly sessions of the court of Hardy county.

30 Altering the court day and quarterly sessions of the county of Kanawha.

31 To alter a court of quarter session in the county of Hampshire.

32 To improve the navigation of Staunton river, from Booker's ferry to the mouth of Pig river.

33 To explain the act, entituled, an act to amend the act, entituled, an act for opening and improving the navigation of Quantico creek, in the county of Prince William.

34 Appointing commissioners to view Willis's river.

37 Adding part of the county of Loudon, to the county of Fairfax, and altering the place of holding courts in Fairfax county.

40 To repeal the act, entituled, an act for erecting Liberty-Hall academy into a college.

41 Authorising the common council of the borough of Norfolk to make provision for the support of the poor of the said borough.

42 Concerning the charity school of Fredericksburg.

43 Incorporating the trustees of the Charlestown academy, in the county of Berkeley.

45 To repeal in part certain acts relating to certain roads therein mentioned.

46 Adding certain lots to the town of Petersburg, and for other purposes therein mentioned.

47 For clearing and repairing the waggon road from the state road, to or near the mouth of the Little Kanawha river.

48 Concerning the public square.

49 To revive an act, entituled, an act to increase the reward for killing wolves in certain counties.

50 Making provision for carrying into effect, an act, entituled, an act for appointing commissioners to superintend the opening a road from Elk river, in Kanawha county, to the mouth of the Great Kanawha river.

51 To establish an inspection of tobacco on the lands of Meads Anderson, in the county of Halifax.—Anderson's warehouse established.

52 Establishing a town and an inspection of tobacco on the lands of John Nelson, in the county of Mecklenburg, and for other purposes.—The town of Nelson, and Fork warehouse established.

54 To establish an inspection of tobacco on the lands of Ichabod Hunter and John Epperson, in the county of Buckingham.—Epperson's warehouse established

56 To authorise the receipt of tolls at the bridge built over Buffaloe creek, in the county of Brooke for a limited time.

58 To repeal the act, entituled, an act for killing squirrels or crows in certain counties.

59 Establishing several towns.—The following towns established, viz. Planter's Town, in Buckingham; Fayettesville, in Fauquier; Meadesville, in Halifax; Clarksburg, in Culpeper; Buckland, in Prince William; James Town, in Culpeper; Smithfield, in Berkeley; Woodville, in Culpeper; Farmville, in Prince Edward; Berryville, in Frederick; Heathville, in Northumberland; Yanceyville, in Louisa, and Belfield, in Greensville.

60 Extending the jurisdiction of the mayor and commonalty of the town of Alexandria, and for other purposes.

62 Concerning the building of iron-works on the west fork of Monongalia river.

66 Authorising David Scott to complete the collection of the taxes due in the county of Monongalia for the year 1783.

68 To establish an inspection of tobacco on the lands of Judith Randolph, in the county of Prince Edward.—Randolph's warehouse, in Prince Edward, established.

69 Directing the register of the land office to issue a land warrant to Layton Yancey.

70 Concerning the heirs of Nicholas Currell, deceased.

71 For issuing a land warrant to William Carter.

72 Authorising Andrew Wodrow, administrator of Alexander Wodrow, deceased, to convey certain lands therein mentioned.

73 To amend the act, entituled, an act for establishing a town on the land of Samuel Hyde Saunders, in the county of Powhatan.

74 Allowing the heirs of Alexander Smith, deceased, a further time to return to the register of the land office, the plat and certificate of a certain survey.

75 Giving further time to the purchasers of lots in certain towns to build thereon.

76 Adding certain lots to the town of Washington, in the county of Culpeper.

77 Giving further time to the purchasers of lots in several towns to build thereon.

78 Giving further time to the purchasers of lots in the town of Abingdon to build thereon.

79 Giving further time to the purchasers of lots in the towns of Lynchburg and Watson, to build thereon.

80 Concerning the town of Harrisonburg, in the county of Rockingham.

81 To establish a town on the lands of William Black, in the county of Montgomery.—Blacksburg established.

82 To incorporate a library company in the town of Alexandria.

83 To increase the pension of John Consolver, and for other purposes.

84 Paying a sum of money to Robert Smith, administrator of Lawrence Smith, deceased.

85 Concerning William Edwards.

86 For issuing duplicates of certain warrants to Charles Vivion.

87 Concerning Thomas Vaughan, collector of certain taxes therein mentioned.

88 Re-paying to Jesse Ewell, a certain sum of money.

89 Allowing a sum of money to Elizabeth Mann.

90 Incorporating a library company in the town of Brownsburg, in Rockbridge county.

91 To remit the damages and interest on a judgment obtained by the commonwealth against James Callaway, and others.

92 Placing Robert Leonard on the list of pensioners.

93 Placing William Brabstone on the list of pensioners.

94 Placing several persons on the pension list, and for other purposes.

95 Paying the officers of the general assembly for their services during the present session.

96 Concerning the town of Romney, in the county of Hampshire.

97 To amend the act, concerning the town of Mecklenburg, in the county of Berkeley.

SESSIONS ACTS, 1798.

Chap. 4. An act to appropriate the public revenue.

8 Authorising the sale of certain tobacco remaining in the Quantico warehouses.

16 To open and improve the navigation of Little river, in the county of Hanover.

17 To revive the inspection of tobacco at certain places.—The following inspections revived.—Todd's, in King & Queen, and Aylett's, in King William, under one inspection; Mantapike, in King & Queen, and Frazier's, in King William, under one inspection; at Alexandria; at Dymer's, in Lancaster, and Indian creek, in Northumberland, under one inspection; at North and South Wycomico, under one inspection; and at Rocketts, in the city of Richmond.

18 To authorise the executive to appoint inspectors to the several warehouses, revived during the present session.

21 Allowing further time to the owners of certain entries of land to survey the same.

24 Altering the quarterly sessions of the court of Sussex county.

25 Altering the court days of the counties of Rockingham and Augusta.

26 To alter the quarterly terms of the county court of Madison.

27 Continuing the act, entituled, an act giving further time to the owners of certain surveys to return the plats and certificates thereof into the land office.

29 To amend the act, for removing the superior court from the town of New-London.

31 To revive the inspection of tobacco at Rocky Ridge.

32 For the sale of certain glebe lands, in the counties of Nottoway and Shenandoah.

33 Concerning the Pamunkey tribe of Indians.

35 Making further appropriations for completing the waggon road from Morgan Town, to the mouth of Grave creek.

36 Appropriating certain taxes to the opening a road in the county of Lee.

37 To establish an inspection of tobacco in the town of Bellfield, and county of Greensville.—Starke's warehouse, in Greensville, established.

40 To establish inspections of tobacco on the lands of Samuel Hyde Saunders, in Powhatan, and Henry L. Davis, in Amherst county.—Saunders' warehouse, in Powhatan, and Salt Creek, in Amherst established.

41 Dividing the county of Greenbrier.—Monroe county formed.

42 To incorporate the trustees of Brooke academy.

43 Dividing the county of Harrison.—Wood county formed.

44 To incorporate a library company in the town of Alexandria.

45 To amend the act, entituled, an act to establish a town on the lands of George Carrington, in the county of Halifax.

46 To amend the act, entituled, an act concerning the town of Woodstock in the county of Shenandoah.

47 Concerning the town of Fairfax, in the county of Culpeper.

48 To establish towns on the lands of Alexander Madill and Joseph Spencer, Abner Lord and Austin Nichols.—Hicks's Ford, in Greensville county, and Vienna, in Harrison, established.

49 Appointing and incorporating trustees of Stevensburg academy, in the county of Culpeper

50 Giving further time to the proprietors of lots, in the town of Brownsburg, to build thereon.

51 To establish towns on the lands of John Mason and John Turberville, in the county of Fairfax.—South Haven, and Turberville, in Fairfax, established.

52 To establish towns on the lands of Joseph Coones and John Spillman, in the county of Culpeper.—Jefferson and Springfield, established.

53 To enable the freeholders of the county of Harrison, residing within that part thereof to be erected into a new county, by the name of Wood, to give their suffrages at the next election, within the bounds of the said intended county.

54 To establish a town on the lands of William Skinker, in the county of Prince William.—Hay-Market established.

55 To amend the act, entituled, an act to establish a town, and an inspection of tobacco, on the lands of John Nelson, in the county of Mecklenburg, and for other purposes.—The name of the town changed from Nelson to Little-York, and the warehouse to be called Nelson's warehouse.

56 Concerning the town of Harrisonburg, in the county of Rockingham.

57 To incorporate a librarian society at Front Royal, in the county of Frederick.

58 Concerning John Hutcheson, John Rogers, and William M'Clung.

59 Concerning John Cullins.

60 To discontinue the pension heretofore allowed to Benjamin Blackburne.

61 Concerning the town of Warminster, in the county of Amherst.

62 Refunding a sum of money to David Muse.

63 For holding fairs in the town of Alexandria.

64 Directing a duplicate of a land warrant to be issued to Vincent Tapp.

65 Authorising the common council of the borough of Norfolk to appropriate and apply the taxes thereof.

66 For issuing a duplicate of a land warrant to John Moran.

67 Concerning George Willis.

68 Concerning the heirs of Peter Francis de Tubeuf, deceased.

69 Concerning James Pollard.

70 Concerning Samuel Overton.

71 Concerning Joseph Locke and Henry L. Gaskins.

72 Concerning Edward Tatum, Daniel Carlin and William Mitchell.

73 Adding certain lands to Charlestown, in the county of Berkeley.

74 To alter the name of a town in the county of Grayson.—Changed from Jonesborough to Greensville.

75 For paying the officers of the general assembly for their services during the present session.

76 To amend the act, to increase the pension of John Consolver, and for other purposes.

77 Concerning Peter Holland, and others.

78 To authorise John Royall to erect a toll bridge over Appomattox river.

79 Supplementary to the act concerning John Hutcheson, John Rodgers, and William M'Clung; & concerning John Cullins, George Willis and Daniel Muse.

80 For the present relief of John Thompson, a soldier, who was wounded in colonel Buford's defeat.

81 For the immediate relief of Charles M'Graw.

82 Vesting in James Swinton and Anna Swinton, certain lands therein mentioned.

83 Vesting in the children of George Gilmer, deceased, certains lands therein mentioned.

84 Concerning Samuel Coleman, collector of certain taxes therein mentioned.

85 To exempt the tithables in the town of Alexandria, from a certain part of the county levy.

SESSIONS ACTS, 1799.

Chap. 4 An act concerning the public square in the borough of Winchester.

5 Adding part of the county of Monongalia to the county of Harrison.

6 To amend the act, entituled, an act incorporating the trustees of the Charles Town academy, in the county of Berkeley.

7 For issuing duplicate certificates to Richard Bruce.

9 Appointing an inspector of flour at the Occoquan mills.

10 Altering the place of holding courts in the county of Isle of Wight.

12 Concerning the glebe land in the county of Hardy.

13 Making compensation for the tobacco destroyed by the burning Robert Bolling's warehouse, and for other purposes.

14 To amend and reduce into one the several acts concerning the town of Fairfax, in the county of Culpeper.

16 For opening and improving the navigation of Smith's river.

19 To amend the act, entituled, an act appropriating certain taxes to the opening a road in the county of Lee.

20 Allowing further time to the owners of lots in certain towns to build upon and save the same.

21 For opening a street in the town of Petersburg.

22 To incorporate the trustees of Leesburg academy, in the county of Loudon.

24 Placing Jesse Ruble on the list of pensioners.

25 Altering the court days and quarterly sessions of certain counties.—The court days of Greensville and Shenandoah, and the quarterly sessions of Spotsylvania, Greensville and Caroline altered.

26* Adding certain lots to the town of Lexington, in the county of Rockbridge.

26* Adding certain lots to the town of Stephensburg, and appointing trustees thereof.

27 Forming a new county out of Wythe and Russell.—Tazewell county formed.

31 Concerning the corporation of the town of Petersburg.

32 Transferring the property of the Fredericksburg academy, to the trustees of the charity school in Fredericksburg.

33 Establishing several new towns.—The following towns established; Springfield, in London; Elkton, in Fauquier; Madison, in Madison; Union, in Monroe; New-Port, at the mouth of the Little Kanawha; Rocky-Mills, in Hanover; Kearns, in Frederick; & Monroe, on the Little Kanawha

36 Authorising the conveyance of water from the springs in the town of Petersburg to convenient places therein.

38 Exempting the tithables within the county of Monroe from the payment of a levy assessed by the county court of Greenbrier.

39 Giving further time to the owners of lots in several towns to build thereon.

40 To revive and amend the act, entituled, an act for cutting a canal from the waters of Elizabeth river to the waters of the North river.

41 To amend the act entituled, an act to amend the act for removing the superior court from the town of New London.

43 Concerning Woodstock.

44 Concerning the county of Wood

45 Opening and improving the navigation of Staunton and Black Water rivers.

47 Placing John Thompson on the list of pensioners.

48 Granting a sum of money to Richard Hudnall and James Harcum, inspectors of tobacco at North and South Wicomico warehouses.

50 Allowing a further time to the owners of certain entries of land to survey the same.

51 Concerning John Cox.

52 Concerning John Stith, late sheriff of Brunswick.

53 Authorising Samuel Keys to collect certain fines remitted by the executive.

54 For the sale of certain glebe lands in the counties of Louisa and Prince William.

55 For paying the officers of the general assembly for their services during the present session.

56 Appointing commissioners to fix the place for holding a court for the district composed of the counties of Prince William, Fairfax, Loudon, and Fauquier.

57 Concerning the navigation of Monongalia river, and its branches.

60 Altering the court day of the county of Fluvanna.

61 To appropriate a sum of money for the repair of the houses and lot set apart for the use of the governor, and for other purposes.

62 Repealing in part the act, entituled, an act for assessing the lands in the counties of Greenbrier, Kanawha, and Randolph, and for other purposes therein mentioned.

63 For opening a road through the counties of Berkeley and Hampshire.

SESSIONS ACTS, 1800.

Chap. 1. An act to incorporate a company for establishing a turnpike road, from the mouth of Savage River, or George's Creek, on Potowmac to the nearest western navigation

5 To amend the act, for incorporating the trustees of the Leesburg Academy, in the county of Loudon.

7 To prevent obstructions to the navigation of Little Kanawha.

8 To establish an inspection of flour at Mead Anderson's mill, in the county of Halifax.

9 To increase the salary of inspectors of tobacco at Dixon's warehouse.

10 For increasing the powers of the trustees of the town of Franklin, in the county of Pendleton.

11 To establish an inspection of Tobacco on the lands of John Brooks, in the county of Campbell.—Brook's warehouse established.

* Two acts are numbered 26.

14 To incorporate the trustees of Jefferson College, in the county of Amelia.

15 Concerning the town of Watson, in the county of Hampshire.

16 Concerning the town of Lexington, in the county of Rockbridge.

17 For establishing the town of Fairfield, in the county of Rockbridge.

18 For adding part of the county of Kanawha, to the county of Wood.

19 To establish an inspection of flour on the lands of Thomas M. Randolph.

21 To establish an inspection of tobacco on the lands of Thomas M. Randolph, in the county of Albemarle.

22 To establish an academy on the Glebe land of Martin's Brandon Parish, in the county of Prince George.

25 To revive the inspection of tobacco at Totuskey warehouses, in the county of Richmond.

26 To increase the salaries of the inspectors at Deane's and Spring warehouse

28 For altering the court days and quarterly sessions in certain counties.—The court days of Brooke, Hanover, Wood and Tazewell; and the quarterly sessions of Monroe, Wood and Tazewell altered.

29 Authorising the trustees of the charity school of Fredericksburg, to sell and convey certain property therein mentioned.

30 To establish several towns.—The following towns established, viz.; Greensville, in Augusta; Jeffersonville, in Tazewell; Waynesborough, in Augusta; Williamsport, in Harrison; Waterford, in Loudon; and North Milton, in Albemarle.

31 For dividing the county of Berkeley.—Jefferson county formed.

33 Giving further time to owners of lots in the town of Jonesville, in the county of Lee, to build thereon.

34 To purchase Pharoah and Tom.

35 To empower the courts of certain counties to appoint persons to solemnize marriages

36 To amend an act, entituled, an act to authorise a lottery for the purpose of repairing certain roads.

37 Establishing an inspection of flour at Aylett's warehouse, in the county of King William.

41 Releasing to Ambrose Cramer, the right of the commonwealth to a certain tract or tracts of land.

42 Laying taxes for the supports of government.

46 Concerning the town of Charlottesville.

47 Appointing commissioners to view and mark out a way for a road through the counties of Culpeper, Fauquier, Prince William and Fairfax, to the turnpike road leading to Alexandria.

48 Concerning the docks and wharves in the borough of Norfolk.

49 For altering the place of holding courts in the county of Norfolk.

50 To enlarge the town of Woodville, in the county of Culpeper.

52 To appoint and authorise commissioners to assess the lands in the county of Randolph.

55 Concerning certain taxes due in the county of Botetourt.

56 To revive and amend an act for opening a road through the counties of Berkeley and Hampshire.

57 Concerning the bank of Alexandria.

63 For paying the officers of the general assembly for their services during the present session.

64 To dispose of part of the ground whereon the courthouse stands, in the town of Charlottesville, and county of Albemarle.

65 Paying Joseph Jones, William Cole and William Clark, for their services, under the act, entituled an act making compensation for the tobacco destroyed by the burning of Robert Boling's warehouse, and for other purposes.

66 To authorise the court of Cumberland county to appoint a principal surveyor over Willis's river.

67 Enabling Thomas Mountjoy to discharge, by instalments, certain public claims against him.

68 For appropriating a further sum of money for completing a waggon road, from the state road, to the mouth of the Little Kanawha.

69 Concerning the several acts of assembly, respecting the turnpike roads from Snigger's, Vestal's and Ashby's gaps, on the Blue Ridge to Alexandria.

SESSIONS ACTS, 1801.

Ch. 26 Authorising the executive to make compensation to certain commissioners.

27 Concerning the rents of certain lands in the county of Prince William.

29 To establish an academy in the county of Pittsylvania.

30 Giving further time to the owners of lots in the town of Lynchburg to build thereon.

31 To establish an inspection of flour in the town of Danville.

32 To incorporate the town of Staunton in the county of Augusta.

33 To incorporate the trustees of the Bellfield academy in the town of Bellfield and county of Greensville.

34 Concerning the town of Front Royal.

35 To establish an inspection of tobacco on the land of James Martin, in the town of Lynchburg.

36 To establish an inspection of tobacco on the lands of Charles Yancey, in the county of Buckingham.—Swan Creek warehouse established to be under the same inspection as Swan Creek warehouse in Amherst

37 To empower the courts of Ohio, Patrick and Hardy counties, to authorise certain persons to solemnize the rites of marriage.

38 To amend the act establishing an academy on the glebe lands of Martin's Brandon Parish in Prince George county.

39 To increase the salaries of the inspec

tors of tobacco at North and South Wicomico warehouses, and for other purposes.

41 To establish a town on the lands of Nicholas C. Davis and Thomas W. Cocke in the county of Amherst.—Bethell established.

42 For refunding a sum of money to Nathaniel Wyche, late sheriff of Sussex county.

44 For refunding a sum of money to William Burge, administrator of Drury Burge, deceased.

45 For adding part of the county of Botetourt to the county of Monroe, and part of the county of Randolph to the county of Harrison.

47 For discharging Robert Alexander, clerk of Campbell county court, from a certain judgment obtained against him in behalf of the commonwealth.

48 For allowing to James M'Clenny, sheriff of Nansemond county, an additional commission on a certain tax by him collected.

49 For adding part of the county of Sussex to the county of Greensville.

50 Allowing to William Bishop an additional compensation, for collecting the taxes therein mentioned.

51 Authorising Larkin Stanard to discharge by instalments the judgment therein mentioned.

52 To explain and amend an act for altering the place of holding courts in the county of Isle of Wight.

53 To amend an act entitled an act concerning the slopes in the mill dams on the south branch of Potowmac.

54 Giving further time to the purchasers of lots in the towns of New Canton and Barnardsburg to build thereon.

55 To prevent hogs running at large in the towns of Harrisonburg and Charles-Town.

56 To establish an inspection of tobacco on the lands of Robert Watkins, in the county of Chesterfield.

58 Concerning the salary of the public printer.

59 To incorporate the trustees of Washington Henry academy, in the county of Hanover.

60 For remitting a sum of money to the estate of William Allen, deceased.

61 To establish an inspection of tobacco on the lands of Allen Barnard, in the county of Fluvanna.—Barnard's warehouse established.

62 To empower the trustees of Washington Henry Academy, to raise a sum of money by lottery.

63 To amend an act concerning the town of Lexington, in the county of Rockbridge.

65 For establishing several towns.—Port Republic, in Rockingham; Brooke Neal, in Campbell; and Carricfergus, in Washington, established.

66 Concerning the town of Lewisburg in the county of Greenbrier.

67 To amend the act, entituled, an act for altering the place for holding courts in the county of Norfolk, and also to authorise the court of said county to appropriate out of any money in their hands, a sum not exceeding three thousand dollars, towards the completion of the courthouse and jail in the town of Portsmouth and county aforesaid.

68 To amend the act incorporating the town of Petersburg.

69 Appointing other trustees of the town of Point Pleasant, in the room of those formerly appointed.

70 Authorising Joseph Tomlinson to collect the balance of the taxes due in the county of Ohio, for the year 1797.

72 For opening and extending certain streets in the town of Petersburg.

73 For cutting a navigable canal from Nansemond river to Somerton creek.

74 Concerning the town of Martinsburg in the county of Berkeley.

75 Releasing to Scott Bredin the right of the commonwealth to a certain tract or tracts of land.

80 To establish an academy and incorporate the trustees thereof in the county of Halifax.

81 To amend the act, entituled, an act to amend the charter of the Borough of Norfolk, and to amend the act entituled an act authorising the common council of the Borough of Norfolk to appropriate and apply the taxes thereof.

82 For altering the time of holding a quarterly court for the county of Fauquier.

85 To amend an act entituled an act, to incorporate a company for establishing a turnpike road, from the mouth of Savage river or Georges creek on Potowmac, to the nearest western navigation.

86 Releasing to the heirs and representatives of Dennis Getty, the right of the commonwealth to certain lands therein mentioned.

87 For the relief of Benjamin Winslow.

88 To pay the officers of the general assembly for their services during the present session.

89 For refunding a sum of money to Joseph Faucett.

90 Providing for the opening a road from the upper navigation of James river, to the upper navigation of Kanawha river.

91 To appropriate a certain tax to the opening and completing a road through the counties of Russell and Lee, and for other purposes.

SESSIONS ACTS, 1802.

Chap. 7. To appropriate a further sum of money to defray certain expenses incurred in the year 1802.

10 To pay the officers of the general assembly for their services during the present session.

17 To organize the militia of the town of Petersburg.

18 To authorise the county courts of Louisa and Fluvanna to appoint commissioners to ascertain what part of the road, commonly called the Three Notched Road, lies in each county, and for other purposes.

20 Concerning the heirs of Peter Francis de Tubeuf, deceased.

23 Releasing the right of the commonwealth to the estate of Billy Brown.

24 For establishing several towns, and for other purposes—Bankford, in Henrico; New Glasgow, in Amherst; and Cabellsville, at Amherst courthouse, established.

28 Changing the time of holding certain quarterly courts in the counties of Augusta and Rockingham, and for other purposes—Court day and quarterly session of Harrison also changed.

31 To amend the charter of the city of Richmond

33 To incorporate the trustees of an academy in the town of Abingdon, and for other purposes.

34 To establish an academy in the county of Albemarle, and for other purposes.

37 To amend an act appointing commissioners to fix the place for holding a court, for the district composed of the counties of Prince William, Fairfax, Loudon and Fauquier.

38 To amend the several acts amending the charter of the Borough of Norfolk.

40 To incorporate a company in the Borough of Norfolk for marine insurances, and other purposes.

41 Concerning sundry district jails.

42 To establish other inspections of flour—At Ladd and Evans' mill in Charles City; and at Walkertown, in King and Queen.

43 To amend an act, entituled an act to authorise a lottery for the benefit of the sufferers by fire in the town of Lexington.

44 Allowing a further time to the owners of lots in the town of Danville, to build upon the same.

45 Concerning the towns of Lewisburg, Jerusalem and Clarksburg.

46 To incorporate trustees in the lower parish of Nansemond for the purposes therein mentioned.

48 Concerning the town of Portsmouth.

49 Enlarging the towns of Berryville, Abingdon and Staunton.

50 For extending the limits of the town of Portsmouth.

52 To amend the act, entituled an act to incorporate a company for establishing a turnpike road from the intersection of Duke street in the town of Alexandria, with the south west line of the district of Columbia, to the ford of Little river, where the turnpike road now crosses it.

53 For altering the court day of the Hustings court of the city of Williamsburg.

55 Authorising the court of Monongalia county to appoint persons to solemnize marriages in the said county.

56 Remitting damages to William Crawford.

57 Increasing the reward for killing wolves in the counties of Madison, Patrick, Harrison, Rockingham and Culpeper.

58 Staying proceedings against and allowing further time to James Primm to collect the taxes due for the county of Stafford for the year 1801.

59 For the collection of certain taxes and officers' fees for the benefit of Mary Watts.

60 For removing the clerk's office in the county of Isle of Wight.

61 Allowing Joseph Parker a certain sum of money annually.

62 Giving further time to the owners of lots in certain towns to build on and improve the same.

63 Authorising the sale of certain real estate whereof Isham Clements died seized.

64 Dissolving a marriage between Dabney Pettus and his wife Elizabeth.

66 For establishing a town at Hillsborough in the county of Loudon.

68 To establish an academy in New Glasgow in Amherst county or in its vicinity, and to incorporate the trustees thereof.

69 Increasing the salaries of the inspectors at Woodson's and Spring warehouses.

70 For reviving the inspection of tobacco at Poropotank warehouses in the county of Gloucester.

71 Concerning David Parsons.

72 For establishing a town on the lands of Joseph Tomlinson in the county of Ohio—Elizabeth Town established.

73 Suspending a certain judgment against Henry Garret, late high sheriff of Louisa county, and for other purposes.

74 Allowing compensation to Eleanor Butts.

76 To carry into effect an act, entituled, an act providing for the opening a road from the upper navigation of James river to the upper navigation of Kanawha river.

77 To explain and amend the act, entituled an act to amend the act, entituled an act for the appointment of harbor masters, and declaring their duty—This act, though the title be general, merely relates to the duty of harbor masters, in preventing obstructions to the passage of the public ferry boats under the directions of the county of Norfolk.

78 Authorising the erection of mills on Little Kanawha river.

SESSIONS ACTS, 1803.

Chap. 2. An act to appropriate the public revenue, and for other purposes.

4 To appropriate an additional sum of money to discharge certain unsatisfied claims against the commonwealth.

5 Giving an annual pension to Rebecca Fulton.

6 Dissolving a marriage between Benjamin Butt, junior, and Lydia his wife.

8 Concerning Moore's warehouse.

9 Concerning the town of Abingdon.

10 Concerning the town of Martinsburg.

11 Adding the county of Randolph to the judicial district composed of the counties of Hardy, Hampshire and Pendleton.

12 Authorising a lottery in the town of Woodstock and county of Shenandoah.

13 Concerning Andrew Donnelly.

14 Establishing a certain survey of the town of Watson, and for other purposes.

16 Suspending an execution against Richard Brooke.

17 Allowing the additional sum of two and a half per cent. to William Martin and Watson Clarke for the collection of the revenue tax of the county of Harrison, for the year 1800.

18 Granting warrants on the treasury to Samuel Clarke, Nimrod Tackett, James Handley and John Johnson, for certain sums of money.

16 Encreasing the number and powers of the trustees of the town of Wheeling.

22 Establishing an academy in or near the city of Richmond.

23 Releasing to Nicholas Young the commonwealth's right to a certain piece of land.

24 *Numbered* 14. Authorising the sale of certain lands for the benefit of the Nottoway tribe of Indians.

25 Making compensation to Michael Spiegel for the care of a lunatic.

26 *Numbered* 16. Releasing to Richard Speer, John M'Carrol and William Patton, the right of the commonwealth to certain lands therein mentioned.

27 Establishing towns on the lands of Alexander Gordon and Christian Peters.—Gordonsville and Peterstown established.

28 *Numbered* 18. Authorising the clerk of Norfolk borough to deliver the will of William Colburn to his executors.

29 Relative to the road directed to be opened from Morgan Town to Grave creek, and for other purposes.

30 Adding certain land of Thomas Newton to the borough of Norfolk.

32 Concerning Samuel Selden.

33 Extending Church street in the borough of Norfolk.

34 Providing further for the payment of the debts of John Calder.

35 To amend an act, entituled, an act to incorporate the trustees of an academy in the town of Abingdon and for other purposes.

36 To enlarge the town of Woodstock, in the county of Senandoah.

37 Concerning Reuben Fry.

38 Concerning Charles Tate.

39 Authorising the sale of certain land of David Wall, a person of unsound mind.

40 Authorising the sale of certain lands of Mary Anne Moore, a person of unsound mind.

41 Concerning the navigation of Pig river

42 Reviving the inspection of tobacco at Mantapike warehouses.

45 For ascertaining the centre of the county of Franklin, and for other purposes.

46 Concerning George Hollenback.

47 Changing the name of the town of Crowsville, and for other purposes.

48 For raising by lottery a sum of money for improving the main street of Fredericksburg.

49 Authorising a lottery for the benefit of a charity school in Fredericksburg.

50 For raising by lottery a sum of money for the purpose of finishing certain buildings for a seminary of learning in Strasburg.

52 Allowing to William Clendinen a further time for collecting certain levies due in Kanawha county.

53 Allowing a pension to Samuel Wharton.

54 Establishing several inspections of flour. At Fleet's, in Chesterfield, and Bethel, in Amherst.

55 Establishing several towns.—Occoquon, in Prince William, and Newhaven, in Rockingham established

57 Concerning the representatives of William Morris, deceased.

58 For raising by lottery a sum of money for the benefit of the university of William and Mary.

59 Concerning Uriah Lowther.

60 To raise by lottery, a sum of money for the purpose of improving the roads leading from the ford of Little river, in the county of London to Snigger's and Ashby's Gaps.

61 To raise by lottery, a sum of money for opening and improving the road leading from the South Fork, in the county of Hardy, to Brock's Gap, in the county of Rockingham.

62 For raising by way of lottery, a sum of money for the benefit of Banister academy.

63 Releasing to William Martin & Dempsey P Carrol, the commonwealth's right to a piece of land therein mentioned.

64 To amend an act authorising several lotteries.

65 To raise a sum of money by lottery, for opening a road from Monroe, in the county of Botetourt, to the Sweet Springs, in the county of Monroe, and from thence to Lewisburg, in the county of Greenbrier.

67 Giving an additional reward for killing wolves, in certain counties.

69 Allowing a further time to the owners of lots in certain towns to build thereon.

70 Remitting a fine to John Farris.

71 To authorise the raising a sum of money, by way of lottery, for improving the road leading across the Shenandoah mountain, to Brock's Gap, in the county of Rockingham.

72 Concerning Bottom Steagall.

73 To raise by lottery or lotteries, a sum of money for opening and improving a road over the North Mountain, at Dry River Gap, and for improving the streets in the town of Harrisonburg

74 Authorising the register of the land-office to issue a grant to William Almon.

75 Concerning William Burnet Browne.

76 Incorporating trustees of an academy in Norfolk borough.

78 To amend the act, entituled, an act to establish an academy in the county of Albemarle, and for other purposes.

79 To raise by lottery or lotteries, a sum of money for the use of Belfield academy.

81 Concerning John Smith.

82 To raise by way of lottery or lotteries, a sum of money for the benefit of the Petersburg academy.

83 Concerning John Leprade, deceased.

87 To amend the act, entituled, an act to incorporate a company in the borough of

Norfolk, for marine insurances, and for other purposes.

90 To amend an act, entituled, an act, to amend an act, entituled, an act to appropriate a certain tax to the opening and completing a waggon road through the counties of Russell and Lee, and for other purposes.

91 Allowing a pension to Benjamin Smithey

92 *Numbered* 88 For opening and improving the navigation of Hardware river, from the fork thereof to its junction with James river.

94 *Numbered* 90 To amend the act, entituled, an act providing for the opening a road from the upper navigation of James river, to the upper navigation of Kanawha river.

96 Authorising an addition to be built to the Lunatic Hospital, in Williamsburg.

97 Authorising the removal of slaves from the county of Alexandria, in the district of Columbia, into this commonwealth.

98 Suspending for a certain time, the operation of the several laws, directing the mode of processioning lands, so far as the same relate to the counties west of the Blue Ridge.

99 Remitting a fine to Elisha Hall.

XCX Changing the days of holding certain courts.

100 Authorising the auditor of public accounts, to issue a warrant on the treasury, in favor of the representatives of Hugh Innes, deceased.

101 Exonerating John Rice and James Martin, from the payment of certain judgments therein mentioned.

102 Dividing the county of Kanawha.—Mason county formed.

103 For improving the navigation of James river.

104 For removing the district court from Armistead's tavern, in the town of Petersburg, to the town courthouse.

105 To prevent obstructions to the navigation of the North Fork of Holstein river.

106 Authorising the improvement of the Hay-Market district jail.

107 Concerning the heirs of Robert Irwin, deceased

111 For paying the officers of the general assembly for their services during the present session.

113 Concerning William Herndon.

114 Incorporating two companies for opening a turnpike road from Richmond to Staunton.

SESSIONS ACTS, 1804

Chap 19. An act allowing compensation to certain persons for carrying lunatics to the Williamsburg hospital, and for other purposes—The object of this law, so far as it is of a general nature, is provided for by an act of 1806, see chapter 92 of this volume.

22 To incorporate the Virginia marine insurance company.

25 To amend an act, entituled an act, concerning the clearing of the north fork of James river.

27 To amend an act entituled an act, for more effectually preventing obstructions to the passage of fish in James river and its navigable branches.

28 To alter the days of holding courts in Tazewell and Russell counties

31 To amend and explain the act, entituled an act, for improving the navigation of James river.

32 Authorising a sale of the glebe of the parish of St. Mary, for the purposes therein mentioned.

33 Making an appropriation for the payment of a public debt due to Lewis A. Pauly.

34 Authorising the auditor to receive the delinquent list of John Allen and Charles Brown.

35 To encrease the reward for killing wolves in the county of Wood.

38 Adding other trustees to the town of Charlestown, in the county of Brooke, and for encreasing their powers

39 Concerning certain elections of overseers of the poor in King George county, and for other purposes.

40 To raise by way of lottery or lotteries, a sum of money for the purpose of erecting a seminary of learning at the Hot Springs in the county of Bath.

41 To amend the act entituled an act, to incorporate the trustees of Washington Henry academy in the county of Hanover.

43 Divorcing Robert Campbell from his wife Ann.

44 Releasing to Frederick Gauder the right of the commonwealth to a certain lot of land.

45 Concerning certain free school lands in the county of Elizabeth City.

46 Authorising the sale of certain lots in the town of Hillsborough.

47 *Numbered* 46 Appropriating a sum of money for the purpose of opening the navigation of Holston river.

48 Concerning Vincent Fortune.

50 Authorising improvements and repairs on the lot of the Hay Market district court.

52 Releasing to Lodowick M'Carrol the right of the commonwealth to certain lands therein mentioned.

53 Repealing so much of the act, entituled an act to encrease the reward for killing wolves, as relates to the county of Lee.

54 Authorising the auditor to receive the delinquent list of Robert Settlington.

56 Making provision for improving and keeping in repair the road from Mackerson Gap to Powell's Valley in the county of Lee.

57 Authorising Adam Hickman to erect a dam across the west fork of Monongalia river for certain purposes therein mentioned.

58 Remitting a fine to the heirs of Thomas Anderson, deceased.

59 To amend and carry into effect the several acts, providing for the opening a road from the upper navigation of James river, to the upper navigation of Kanawha.

61 Concerning the pension of William Shepherd.

62 For raising by lottery a sum of money for improving the navigation of Quantico creek.

63 Compelling Andrew and James Crockett to erect a slope through their dam over Reed creek.

64 For adding part of the county of Ohio to the county of Harrison.

65 Authorising certain regimental and battalion courts of enquiry to be held in the counties of Berkeley and Hampshire.

66 Allowing to Nathaniel Fox and Leonard Hill, further time to discharge certain judgments.

67 Giving further time to the owners of lots in the towns of Moorefield and Ca-Ira, to build thereon and for other purposes.

68 Concerning Filmer W. Montford.

69 Establishing a town on the land of Richard Ratcliffe, at the courthouse of Fairfax county.

70 Establishing an inspection of tobacco on the land of William Mayo, in the county of Henrico —Powhatan warehouse established.

71 Establishing several towns —New York, in Albemarle; and Patesburg, in Bedford, established.

72 Concerning the bridge erected by Alexander Wells and others, over Buffaloe creek.

73 Making compensation to certain commissioners.

74 Authorising Benjamin Wilson, junior, to erect a dam across the west fork of Monongalia river

75 Reviving several inspections of tobacco.—The following warehouses revived; Totusky, and Glasscock's in the county of Richmond; Deep Creek, in Lancaster; Nominy, in Westmoreland; Leed's and Mattox, in the same county; at Yeocomico and Kinsale, in the same county; at Davis's and Lowry's, in Lancaster; and at Gibson's Boyd's Hole and Machodack, in King George

76 To raise by lottery a sum of money for the benefit of Stevensburg academy in the county of Culpeper

77 Authorising the court of Mason county to appoint one or more persons to solemnize the rites of marriage within the said county.

78 Incorporating a library company in the county of Prince Edward.

80 Concerning Charlestown in the county of Jefferson.

81 To make compensation to certain commissioners from this state to the state of North Carolina.

82 For incorporating the town of Lynchburg and enlarging the same.

83 Authorising the trustees of Portsmouth to lease certain lands therein mentioned.

84 Granting to William Bentley the duplicate of a certificate.

85 Releasing to James Crawson the right of the commonwealth to a lot of land therein mentioned.

86 Authorising the appointment of a mathematical surveyor of the city of Richmond, and for other purposes.

87 Allowing the owners of lots in certain towns a further time to improve the said lots.

89 Declaring Powel's river a highway.

90 Authorising the auditor to give credit to Francis White for his list of insolvents and delinquents for the year 1803, upon certain conditions.

91 Refunding to Charles Carter a certain sum of money, with the interest.

92 For paying the officers of the general assembly for their services during the present session.

93 Appointing other trustees of the town of Charlestown, in the county of Kanawha, in the room of those formerly appointed, and for other purposes.

94 For killing crows in certain counties.

95 Concerning Samuel Sekler.

96 To ascertain and establish the limits of the city of Richmond.

97 Authorising the auditor to issue a warrant to Mary Cox, administratrix of Abner Cox, deceased.

98 Allowing a claim to Edward Burgess, and for other purposes.

99 Allowing further compensation to the commissioners of the revenue of the county of Frederick.

100 To amend the act, entituled an act for raising by lottery a sum of money for the benefit of the university of William and Mary.

101 Authorising a conveyance of certain land to be made to John Bracken.

SESSIONS ACTS, 1805.

Chap 1. An act imposing taxes for the support of government.

2 To appropriate the public revenue.

5 Authorising a sum of money to be raised by lottery for the improvement of the road leading from Wood courthouse to Clarksburg

6 Authorising the overseers of the poor of Hampshire county to recover a certain sum of money of the late sheriff of the said county, for the purpose therein mentioned.

7 Authorising George Cabell, senior, to erect a public warehouse on his lands.—Blackwater warehouse established

8 Concerning certain lots in the town of Springfield.

10 Appointing other trustees to the town of Milton.

13 Authorising the sale of the glebe of Bristol parish.

14 Releasing to John White and William Lee, the right of the commonwealth to a certain lot and lands named therein.

15 Authorising the appointment of commissioners to ascertain the different county lines bordering on the Three Notched road, leading from the county of Albemarle to the county of Hanover.

16 Authorising George Pegram, jun. to erect a public warehouse on his land in the town of Petersburg.—Gross-Street warehouse established.

18 Establishing certain public warehouses, in the town of Lynchburg.—Liberty, and Union warehouses established.

19 Declaring Clinch river a public highway.

20 Remitting certain militia fines.

21 Authorising the payment of a sum of money to Thomas Millan.

22 To repeal an act for killing crows in certain counties.

23 Making provision for improving and keeping in repair certain parts of the state road, leading through the county of Randolph.

24 For raising a certain sum of money, by way of lottery or lotteries, for the benefit of Rumford academy in the county of King William.

25 Altering the reward for killing wolves in certain counties, and for other purposes.

26 Authorising a sum to be raised by lottery, for opening a road from Monongalia Glades to the mouth of Fishing creek.

27 Establishing certain inspections of flour—At the mouth of Ten Mile creek, in Harrison, and at Simms's warehouse in Ohio.

28 To amend the act, entituled, an act for establishing an academy in or near the city of Richmond.

29 Appointing commissioners to view and mark out a way for a road from Thornton's Gap in the Blue Ridge, to the Little river turnpike road leading to Alexandria; and to raise a certain sum of money by lottery, for opening the said road.

31 Establishing certain inspections of tobacco in the county of Kanawha.—Wood's and Buffington's warehouses established.

33 Remitting a fine to Drury Woodson.

34 Allowing certain insolvencies to the account of William Cole, deceased.

35 To amend the act entituled an act concerning the town of Abingdon.

36 Divorcing Ayres Tatham from his wife Tabitha.

37 Establishing a town on the land of James Simpson, in the county of Botetourt—Salem established.

38 Making an addition to Westbrook's warehouse in the town of Petersburg.

39 Authorising a sale of part of the real estate of John Peyton, deceased.

40 To increase the salaries of the inspectors at Woodson's warehouse.

42 Authorising a sum of money to be raised by lottery for building a toll bridge over Cheat river.

44 For incorporating trustees of an academy in the town of Dumfries.

46 Concerning a mill dam authorised to be erected by Adam Hickman across the west fork of Monongalia river.

47 Concerning the town of New Market, in the county of Shenandoah.

48 Allowing a further time to the owners of lots in certain towns to build thereon.

49 Releasing to James Wright and Eve his wife the right of the commonwealth to certain land therein mentioned.

50 Allowing Edward Houchins a sum of money for his present relief, and placing him on the pension list.

51 Allowing a claim to Jesse Merryman, administrator of Thomas Merryman, deceased.

52 Incorporating the town of Wheeling in the county of Ohio.

53 Forming a new county out of certain parts of Montgomery, Monroe and Tazewell counties. Giles county formed.

55 Amending the act, entituled, an act authorising the erection of mills on Little Kanawha river.

56 To incorporate a library company in the county of Rockingham.

58 Appointing trustees of the estate belonging to the orphans of James Rind, for the purposes therein mentioned.

59 Remitting certain fines to John and Thomas Warren.

60 Altering the time of holding a quarterly court for Northampton county.

61 Concerning James Terlington.

65 To amend the act, entituled an act concerning the town of Charlottesville.

66 Altering the court day of Spottsylvania and Rockbridge counties.

71 To amend and explain the act concerning certain free school lands in the county of Elizabeth City.

72 Concerning the militia of the Borough of Norfolk.

76 To incorporate a library company in the City of Richmond.

77 To provide for the payment of expenses incurred by removing certain prisoners to the penitentiary house.

79 To amend an act authorising Talbot Godwin to erect a toll bridge from the town of Suffolk, over the eastern branch of Nansemond river.

82 Appointing commissioners to view the way for a navigable canal from Roanoke to Appomattox.

83 Concerning Joseph Woodson and Carter B. Harrison.

85 Providing for the appointment of collectors of certain taxes in the counties of Tazewell and Lee, and for other purposes.

87 To relinquish to Elizabeth Smith, wife of William Smith, the right of the commonwealth to certain tracts of land.

88 For paying the officers of the general assembly for their services during the present session.

92 Authorising mill dams to be built across the Monongalia river.

93 To amend an act for more effectually preventing obstructions to the passage of fish in James river and its navigable branches.

95 Suspending an execution against Benjamin Branch and Edward Branch, administrators of Benjamin Branch, deceased.

96 Authorising Andrew M'Intire to erect a mill dam across the mouth of Simson's creek.

SESSIONS ACTS, 1806.

Chap. 1. An act imposing taxes for the support of government.

2 To appropriate the public revenue.

29 For paying the officers of the general assembly for their services during the present session.

32 Granting to Alexander Burton the duplicate of a lost certificate.

33 Altering the court day of Caroline county.

34 Making an appropriation for the payment of the public debt due to the representative of doctor Thomas Walker, deceased.

35 For establishing several inspections of tobacco.—Planter's warehouse in Lynchburg; Friend's, Oaks and Boswell's in Petersburg; and Goochland, on the land of Samuel Woodson, in Goochland county, established.

36 For adding part of the county of Russell to the county of Tazewell.

37 Concerning James Johnson.

38 Concerning William Britton and William G. Payne.

39 Concerning William Farris.

40 Concerning the glebe land of Martin's Brandon parish.

41 For opening a road from Point Pleasant, in the county of Mason, to Clarksburg, in the [illegible]

ty of Harrison, and making certain appropriations therefor.

42 For the appointment of other trustees of Abingdon academy, and for other purposes.

43 For removing the district court from the Sweet Springs in the county of Monroe, to the town of Lewisburg, in the county of Greenbrier.

44 Concerning the election of members of the court of hustings and common hall of Fredericksburg.

45 Establishing an inspection of tobacco on the land of Thomas Lewis, in Albemarle county.—Charlottesville warehouse established.

46 Altering the court days of several counties. Quarterly sessions of Mason and Kanawha; and court days of Wood and Greenbrier altered.

47 Authorising the erection of flood gates across the Back creek in Norfolk Borough.

48 Exempting William Chaplin from erecting a lock in his mill dam across Wheeling creek, in the county of Ohio.

49 Establishing an inspection of flour on the land of Thomas Lewis, of Albemarle county.

50 For including certain lands in the town of Wheeling.

51 For opening a new street in the town of Petersburg.

52 Increasing the rates of ferriage across the Rivanna river, opposite the town of Charlottesville in the county of Albemarle.

53 Authorising the appointment of a mathematical surveyor for the Borough of Norfolk.

54 Increasing the pension of Joseph alias Joab Miles.

55 Incorporating a company to open and improve the navigation of the Rivanna river, from Milton to Moore's ford, opposite the town of Charlottesville, in the county of Albemarle.

56 Concerning James Vaughan.

57 Concerning David Hunter.

58 Concerning John Walsh.

59 Divorcing Daniel Rose from his wife Henrietta.

60 Further continuing an act appointing commissioners to view the way for a navigable canal from Roanoke to Appomattox.

61 To alter the hustings court of the Borough of Norfolk.

62 Concerning Elias Edmonds.

63 Concerning William Breeden.

65 Concerning Joseph Mayes.

66 Providing for the collection of certain militia fines, due in Norfolk Borough.

67 Authorising Thomas Wilson to erect a wing dam, from his land in the county of Mecklenburg, extending from the south bank of the Roanoke river, into the same.

68 Concerning the town of Liberty, in the county of Bedford.

69 Establishing an inspection of tobacco on the lands of Christian Gilliam, Mary Eppes and Archibald Eppes, at City Point, in the county of Prince George.—City Point warehouse established.

70 Placing Jacob Payne and John Carter on the pension list.

71 To alter the court day and the times of holding quarterly courts in the town of Fredericksburg, and to amend an act, entituled, an act to alter the time of holding a quarterly court for Northampton county.

72 To amend and explain the act authorising the county court of Lee to erect a turnpike or toll gate on the road leading from Mockerson Gap to Cumberland Gap through the said county.

73 Providing for the pavement of the streets of Norfolk Borough.

74 Concerning Isaac Kelly.

75 For ascertaining the northern boundary of Norfolk Borough.

76 Establishing several towns.—Wealsborough in Culpeper, Madison in Goochland, and Mount Pleasant in Monongalia established.

77 Making certain amendments to the act authorising mill dams to be built across the Monongalia river.

78 Concerning Andrew Lewis.

79 Concerning certain claims against the commonwealth.

80 Increasing the powers of the trustees of York town.

81 Concerning the militia of the town of Petersburg.

83 Incorporating trustees of the Hallerian academy.

84 To establish an academy for female education in the city of Richmond.

87 Legalizing the proceedings of the court of Pittsylvania county, and for other purposes.

88 Establishing the width of certain streets in the city of Richmond, and for other purposes.

89 Concerning John Williamson and Elijah Franklin, inspectors of tobacco at Rockett's warehouse.

90 To repeal an act, entituled an act for clearing and repairing the waggon road from the state road to or near the mouth of the Little Kanawha river.

91 Concerning Philip Woodson.

92 Releasing to William Somerville the right of the commonwealth to a certain lot of land in the town of Lexington

93 Giving the assent of this state to an act of congress for laying out and making a road from the Potowmac river to the state of Ohio.

94 Annexing the county of Albemarle to the district for which a chancery court is directed to be holden in Staunton.

95 Concerning the militia of the City of Richmond.

96 Suspending further a judgment obtained on behalf of the commonwealth against the administrators of Benjamin Branch, and for other purposes.

97 Changing the manner of electing common councilmen of the City of Williamsburg.

98 To prevent obstructions to the passage of fish, in the river Staunton.

101 To amend the several laws concerning the Nottoway tribe of Indians.

102 Authorising the county court of Lee to appoint persons to solemnize the rites of matrimony.

103 Appointing commissioners to view the road directed to be opened from the upper navigation of James river to the upper navigation of Kanawha river.

104 Authorising Robert Colwell & John Coulter to erect a mill dam at the lower end of Willow Island on the Ohio river in the county of Brooke.

105 Placing Peggy Giles on the pension list.

106 Concerning the militia of the town of Portsmouth.

SESSIONS ACTS, 1807.

Chap. 1. An act imposing taxes for the support of government.

2 Appropriating the public revenue.

21 For paying the officers of the general assembly for their services during the present session.

22 For opening a new street in the town of Petersburg.

23 Appointing an agent to recover and receive certain monies due to this commonwealth, in the state of Kentucky.

25 Altering the court day of Rockbridge county.

26 Dividing the county of Amherst.—Nelson county formed.

27 Incorporating a company to establish a turnpike from the Little River turnpike road, to Fauquier courthouse.

29 Authorising the counties of Caroline and Hanover, to convert the bridge at Littlepage's across Pamunkey river, into a toll bridge.

30 Authorising James Campbell and Robert Spotswood, to convert the bridge across Appomattox river, at the Exeter mills, into a toll bridge.

31 Concerning William A. Lane.

32 Concerning George Fisher.

33 Concerning John Bracken.

34 Placing Jane Spencer on the pension list.

35 Concerning Augustine I. Smith.

36 Adding part of the county of Wythe to the county of Giles.

37 Giving further time to complete mill dams across Monongalia river.

38 To authorise the cutting of drains in the county of Northampton.

39 Incorporating the trustees of a free school or schools in King George county.

40 Concerning William McCoy.

41 Authorising an appropriation of part of the money arising from the sale of the glebe of Norborne parish.

42 Incorporating trustees of Centerville academy.

43 Providing for the election of trustees of the town of Suffolk, for the purposes therein mentioned.

44 Legalizing certain appointments made by the court of Goochland county, of processioners, and also of superintendants of the elections of overseers of the poor.

46 Concerning the road from the upper navigation of Kanawha to the upper navigation of James river.

47 Concerning the town of Harrisonburg, in the county of Rockingham.

48 Authorising John Wimbish to erect a dam across Banister river.

49 Vesting in Elizabeth Michael, the right of the commonwealth to a certain tract of land therein mentioned.

50 Authorising John M. Syme, to erect a toll bridge across Pamunkey river.

51 Establishing certain towns, therein mentioned.—Bentleyville, in Halifax, and Pearisburg, in Giles established.

52 To incorporate the trustees of the Ann Smith academy, in the town of Lexington.

54 Establishing a turnpike over the South Mountain, on Rockfish Gap.

55 Concerning Nathaniel Fox & Leonard Hill.

56 Concerning John H. Allen.

57 Concerning David Craig.

58* Concerning Edward Jackson.

58* Authorising Edmund Tate, to erect a toll bridge across Blackwater creek.

59 Divorcing Charles Bosher from his wife Susanna.

60 Concerning Philip Briscoe, John Horner, and John Horner, junior.

61 Allowing three years' interest, on a military warrant, to Daniel Leet.

62 Granting to George Douglass & Judy Douglass, the duplicate of a certificate.

63 Preventing obstructions to the passage of fish down James river.

64 Authorising the sale of the glebe of Southam parish, in Powhatan county, for the purposes therein mentioned.

65 Appointing and incorporating trustees of an academy in the county of Nottoway.

66 Securing to Jacob Falkner, as trustee, for the use of Patsey Oliver and her children, certain property.

67 To alter the day for holding courts in the county of Wood.

68 Establishing an artificial highway, from Charlestown, in the county of Brooke, to the Virginia and Pennsylvania state line, near the farm of Francis M'Guire.

69 Concerning the inspectors of Camden's warehouse, in the county of Amherst.

70 Releasing to James Semple and Joanna his wife, the right of the commonwealth to certain lands therein mentioned.

71 Authorising Richard Ligon to convert the bridge across Appomattox river, near Ligon-Town, into a toll bridge.

72 Annexing the counties of Amherst and Nelson, to the district for which a chancery court is directed to be holden in Staunton.

73 Incorporating trustees of the female charity school of Fredericksburg.

74 Concerning Clement Shackleford, as administrator of the estate of John Allgood, deceased.

75 Concerning Isham E. Dabney

76 Releasing to David, Joseph, John and Gabriel Swanson, the commonwealth's right to certain lands therein mentioned.

77 Exempting Mary Jeeter from the fines therein mentioned.

78 Concerning John Cooper.

79 Concerning the tobacco destroyed by the burning of Royston's warehouse, in the town of Fredericksburg.

80 Concerning Nathaniel Fox.

81 Concerning Thomas Meloney.

82 Remitting a fine to John Hope

83 To provide for the opening of a road from Simpson's creek, across the North Mountain, in the county of Rockbridge.

84 Appointing trustees of the town of Bath, in the county of Berkeley, and for other purposes therein mentioned.

85 Allowing to the court of Monongalia county, a further time for settling with the commissioners appointed for opening a road from Morgan Town to Grave creek, and for other purposes.

86 Vesting in Reuben Crawford and Ann, his wife, the right of the commonwealth to certain land therein mentioned.

87 Concerning Thomas Goodson.

* *Two acts are numbered* 58.

88 Concerning the Upper Appomattox company.

89 Encreasing the number of magistrates within the town of Petersburg.

90 Appropriating the proceeds of the sale of the glebe lands in the county of New-Kent, and for other purposes.

91 To amend an act making provision for improving and keeping in repair, certain parts of the state road, leading through the county of Randolph.

92 Remitting a fine imposed upon George Weathers.

93 To establish a toll gate at White's Gap, in the South mountain.

94 Encreasing the number of magistrates within the city of Richmond, and for other purposes therein mentioned.

95 Concerning William Richardson, as executor of John Collins, deceased.

96 Placing William Rice on the pension list.

97 Placing on the list of pensioners certain persons therein named

98 Authorising the courts of Berkeley and Fauquier counties to appropriate certain money therein mentioned.

99 Concerning William Smith

100 To amend the act, entituled, an act to amend the act to incorporate two companies for the purpose of cutting a navigable canal from Roanoke river to Meherrin river; and another navigable canal from Nansemond river to Bennett's creek, in the state of North-Carolina.

101 To amend and explain an act, entituled, an act to alter the Hustings court of Norfolk borough.

102 To amend an act, appointing commissioners to view the way for a navigable canal from Roanoke to Appomattox.

A TABLE

OF FINES, FORFEITURES, PENALTIES AND AMERCEMENTS; DESIGNATING SUCH AS ARE TO THE USE OF THE COMMONWEALTH;* SUCH AS GO TOWARDS LESSENING THE COUNTY LEVY; SUCH AS BELONG TO INDIVIDUALS; AND SUCH AS ARE APPROPRIATED TO ANY PARTICULAR OBJECT.

☞ *The References are to the First and Second Volumes of the Revised Code, and in some instances to the Sessions Acts published since* 1801.

ACCESSORIES.

See Horse Stealing—Stolen Goods.

ACCOUNTS.

No. 1. Rev. Code, vol. 1, ch. 76, sec. 8, pa. 108—A merchant or trader wilfully post-dating any article charged in a store account, or receipt for delivery of them, forfeits ten times the amount.—*To the informer or the commonwealth, as the prosecution may be first commenced.*

2. Ch. 92, sec. 56, pa. 167—The same penalty for post-dating an account, in order to avoid the statute of limitations in suits against executors or administrators.

ACTIONS POPULAR.

Rev. Code, vol. 1, ch. 25, pa. 32—Prosecutor, for penalties not wholly appropriated to his use, compounding with the offender, or discontinuing the prosecution, unless by leave of the court, forfeits so much of the penalty to the commonwealth, or any other, as they would be entitled to if the defendant had been convicted.

ADULTERY AND FORNICATION.

Rev. Code, vol. 1, ch. 138, sec. 6, pa. 276—A person, not being a servant or slave, convicted of adultery or fornication, by the oaths of two or more witnesses, or the confession of the party, shall forfeit twenty dollars.—*To the overseers of the poor, for the use of the poor.*

AFFRAYS.

Rev. Code, vol. 1, ch. 21, pa. 30—Persons guilty of affrays, within the meaning of this act, forfeit their armor to the commonwealth, and may be imprisoned not exceeding one month.

ARMS.—*See Militia.*

ASSEMBLY.

See Bribery and Extortion, No. 3, 4.

No 1. Rev. Code, vol. 1, ch. 17, sec. 6, pa. 19—Qualified electors failing to vote, at an election of delegates or a senator, to pay one-fourth of their proportion of levies and taxes of the ensuing year.

2—— Sheriff failing to lay before the grand jury, a list of all the land holders resident in his county, forfeits fifty pounds.

3 Sec. 17. —— Sheriff or mayor refusing to take a poll when required by a candidate or elector, or taking it otherwise than prescribed by law, or making a false certificate or return of an election, or neglecting to certify it to the clerk of the house of delegates or senate, as the case may be, within the time prescribed by law, forfeits £100; and for neglecting to deliver the poll books to the clerk of the court, or refusing to suffer a candidate or elector to take a copy of the poll books, forfeits £50.—*One half to the informer, the other to the commonwealth.*

4. Sec. 20. Each absent delegate or senator to pay ten pounds, besides losing his wages, if a sufficient number do not attend on any day to proceed to business——*To the commonwealth.*

5. Ch. 39, sec. 6, pa. 42. Elector voting twice at an election, forfeits £10.——*To the informer.*

6. Ch. 248, sec. 1, pa. 389. Any person arresting or prosecuting a delegate or senator, for words spoken or written, or propositions made in the assembly, to be imprisoned, not exceeding twelve months, and fined, not exceeding two thousand dollars.

ATTORNIES AT LAW.

No. 1. Rev. Code, vol. 1, ch. 71, sec. 2, pa. 96. Any person practising as counsel or attorney without licence, or without qualifying according to law, forfeits 150 dollars.—*One moiety to the informer, the other to the commonwealth.*

2. Sec. 5. No counsel or attorney who shall prosecute a suit in an inferior court, in which an appeal may be prayed, shall appear or prosecute such appeal in a superior court, under the penalty of sixty dollars——*To him who will sue.*

3. Sec. 8. An attorney engaging to appear for a defendant, by endorsement on the writ, and failing to do so, forfeits eight dollars.—*To the defendant.*

4. Sec. 10. Any attorney appearing under a power of attorney made before action brought, for confessing judgment, or suffering it to pass by default or otherwise, for any defendant in any court of record, forfeits 1500 dollars.——*To such defendant.*

5. Sec. 11. No justice of the peace, sheriff, under sheriff, or clerk, shall appear or plead as attorney, in the court whereof he is a member, officer, or clerk, under the pe-

* *Where a statute inflicts a penalty, and does not specify to whose use, it goes of course to the commonwealth.*

nalty of thirty dollars, for each offence.——*Towards lessening the county levy.*

6 Sec. 12. Lawyers demanding, or directly or indirectly taking more than the legal fees, before the services are performed, or the suit ended, shall forfeit 150 dollars, for every offence.——*One half to the governor, for the use of the commonwealth, the other to the informer.*

AUTHORS OF LITERARY WORKS.

Rev. Code, vol. 1, ch. 8, pa. 14. For printing, re-printing, or importing from abroad, any literary work, without consent of author, double the value of each copy.——*To the author.*

BAIL.

Rev. Code, vol. 1, ch. 14, sec. 3, pa. 17.—Any justice, letting a person go at large who is not bailable, or refusing bail where it ought to be granted, or requiring excessive bail, to be amerced at the discretion of a jury.

BAKERS.

See unwholesome meat, bread or drink.

BALLAST.

No. 1. Rev. Code, vol. 1, ch. 108. sec. 3, pa. 205. A person appointed ballast master, being notified of his appointment, failing to appear at court, unless hindered by sickness, &c. and to take the necessary oath, forfeits sixty dollars.

2 Sec. 4 & 5. Ballast master failing to attend the unlading of ballast, after notice, forfeits sixty dollars.

3 Sec. 6. Master of a vessel failing to give notice to the ballast master of the time he intends to unlade his ballast, and unlading without such notice, forfeits $ 100.

BANK NOTES.

No. 1. Rev. Code, vol. 1, ch. 11, pa. 16. Offering in payment a private bill or note, payable to bearer, incurs a forfeiture of ten times the amount.——*To the informer.*

2 Rev. Code, vol. 2, ch. 54, pa. 79. The same penalty inflicted for offering in payment any note or bill, payable to bearer or other person, which shall be emitted by a bank having no charter.

BASTARDS.—*See overseers of the poor.*

BEASTS.

No. 1. Rev. Code, vol. 1, ch. 137, sec. 1, pa. 273—Beasts breaking into fields, inclosed with a lawful fence, may, for the third offence, be killed; for the first offence, reparation shall be made to the party injured for the true value of the injury; for every trespass afterwards double damages.—*To the party injured.*

2 Sec. 3. A person damnified for want of a sufficient fence, who shall hurt any beasts breaking into his fields shall be liable to double damages—*To the same.*

3 Sec. 4. Beasts known to have barked fruit trees shall be kept within the inclosures of the owner; and if taken up without them, the owner shall pay two dollars—*To the taker up.*

BEEF.

No. 1. Rev. Code, vol. 1, ch. 128, sec. 2, pa. 242—An inspector of beef, failing to perform his duty, or stamping any barrel of beef contrary to the directions of this act, forfeits four dollars—*To the informer.*

2 Sec. 4. Every person exposing to sale or barter a barrel of beef containing less than 204 lbs. of merchantable meat, forfeits four dollars—*To the same.*

3 Sec. 5. Every seller or exporter of beef packed in this commonwealth, shall take an oath before a justice, that the barrels are the same that were inspected, and contain the full quantity; for a false oath, he shall incur the penalties of perjury, and forfeit 100 dollars—*To any person who will sue.*

BILLS OF EXCHANGE.

No. 1. Rev. Code, vol. 1, ch. 77, sec. 4, pa. 114—A person receiving or purchasing a bill of exchange, which does not express the true sum in current money, forfeits the whole sum for which it was drawn—*To the drawer.*

BILL OF HEALTH—*See cattle.*

BOATS—*See James River.*

BOOK DEBTS—*See accounts.*

BREAD.

See flour and bread, unwholesome meat, &c.

BREWERS.

See unwholesome meat, bread and drink.

BRIBERY, & BRIBERY & EXTORTION.

No. 1. Rev. Code, vol. 1, ch. 59, sec. 1, pa. 56—Treasurer, keeper of any public seal, councillor of state, counsel for the commonwealth, judge, clerk of the peace, sheriff, coroner, escheator, or any other officer of the commonwealth, taking any brokerage or reward for doing his office, other than that allowed by law, shall pay to the party grieved treble the value of what he shall have received, shall be amerced and imprisoned at the discretion of a jury, and be discharged from his office forever—*One third of the amercement to him who will sue for himself and the commonwealth.*

2 Rev. Code, vol. 2, ch. 61, sec. 4, pa. 86—If the clerk of any court knowingly and fraudulently shall charge, demand, exact or take more than the legal fees, or charge, &c. for business not actually done, he shall be held guilty of extortion, and on conviction in the general court, shall be amerced and imprisoned at the discretion of a jury and discharged from his office forever.

3 Rev. Code, vol. 1, ch. 59, sec. 3, pa. 57, and ch. 304, sec. 8, pa. 434—Any candidate or other in his behalf, directly or indirectly, giving or agreeing to give any elector or pretended elector, money, meat, drink or other reward in order to be elected, or for having been elected a representative to congress, shall forfeit 1500 dollars for each offence—*To any person who will sue.*

4 Sec. 2 of the above act, and ch. 247, sec. 3, pa. 389, do not inflict any pecuniary fine on candidates for the general assembly for treating, &c. but they are liable to be expelled, and are incapable of being elected a member of either house for three years.

BRIDGES—*See roads.*

BROKERAGE.

Rev. Code, vol 1, ch. 31, sec. 4, pa. 37—Every broker taking more than at the rate of five shillings for the brokerage of one hundred pounds a year, or one shilling for making or renewing the bond, &c. concerning the same, forfeits 20*l*——*One moiety to the commonwealth, the other to the informer.*

BURNING THE WOODS.

Rev. Code, vol. 1, ch. 292, sec. 2, pa. 423—Any person setting the woods on fire, except by accident, shall forfeit 30 dollars——*One half to the informer, the other towards lessening the county levy.*

BUTCHERS—*See unwholsome meat, &c.*

BUYING & SELLING OFFICES.

See offices.

CATTLE.

No. 1. Rev. Code. vol. 1, ch. 137, sec. 6, pa. 274. A freeholder refusing to obey a warrant from a magistrate, relative to obtaining a bill of health, for cattle drove through this state, shall be amerced by such magistrate, not exceeding five dollars,

2 Sec. 6. If cattle appear by the report of the freeholders, to be distempered, the owner may impound them; if he refuse or suffer them to escape before a justice certifies they may be removed with safety, a magistrate may cause them to be slaughtered, and with the hides on cut and mangled, direct them to be buried four feet deep; every person failing to execute such order, shall forfeit 83 cents for each head directed to be buried.

3 Sec. 6. Every person failing to restrain his distempered cattle, or when they die, to bury them with their hides on as above directed, shall forfeit 4 dollars for each head.

4. Sec. 7. A driver of cattle coming into this state, and failing to produce to a justice of the next county a manifest, under the hand of a magistrate of the state from whence he came, distinguishing the sexes, ages, &c and also bills of sale for them, and particularising the place of abode and name of the seller, and to make oath that he knows of no more cattle in the drove than are mentioned in the manifest and bill of sale; and if bought in this state to be driven into another, the same method to be pursued; and so in every county through which he may pass; failing herein, he shall forfeit his whole drove; and it may be sold by order of a justice, &c——*One moiety of the amount of sale to the overseers of the poor, the other to the informer.*

5 Sec. 8. Not to extend to any inhabitants of this commonwealth, who may buy cattle and be driving them home; nor to persons coming with their families and stocks to settle in this commonwealth.

CHAMPERTY.

Rev. Code, vol. 1, ch. 97, pa. 177. A person convicted of champerty, shall be punished by imprisonment and amercement at the discretion of a jury.

CHANCELLOR,

Penalty on for executing his office without taking the necessary oaths——see judges and justices.

CHEATING AT GAMING.

See gaming, No 6.

CITIZENS.

Rev. Code, vol. 1, ch. 110, sec. 6--7—Certain descriptions of persons prohibited from migrating to, or becoming citizens of this commonwealth, under the penalty of six months imprisonment without bail or mainprize, and a fine not exceeding 300 dollars; and if found at large after the expiration of 12 months from the time of his conviction, to be committed to jail for five years, without bail or mainprize, and forfeit all his goods and chattels; and if any suit brought by such person, the jury shall find for the defendant, and the plaintiff shall pay treble costs.

CLERKS OF COURTS,

When to transmit lists of fines and under what penalty——*See fines.*

No. 1. Rev. Code, vol. 1, ch. 70, sec. 1. pa 94. Any person executing the office of clerk of a county or inferior court, without taking the necessary oaths, forfeits 1500 dollars, and is subject to one year's imprisonment without bail or mainprize——*One moiety to the informer, the other to the commonwealth, by sec. 6 of the same law.*

2 Sec. 2. Any clerk wittingly making any false entry or rasing, altering or changing any record, in his keeping or belonging to his office, shall be imprisoned and amerced at the discretion of a jury; and be liable to the action of the party grieved.

3 Sec. 3. Clerk of county or other inferior court, failing to transmit his bond for the faithful execution of his office to the clerk of his district court, within 3 months, forfeits 300 dollars, or executing his office without entering into bond forfeits 600 dollars——*One moiety to the informer, the other to the commonwealth.*

4 Sec. 4. Neither the court nor clerk of any county or corporation shall remove the records or papers of the same without the county, unless in cases of invasion or insurrection, or where authorised by law, under the penalty of 600 dollars——*To the same.*

5 Rev. Code, vol. 2, ch. 34, sec. 2, pa 37. Clerk of county and corporation court failing to transmit and certify immediately to clerk of district court, copies of recognizances of witnesses or criminal admitted to bail, when sent for further trial, forfeits 100 dollars. And failing to transmit to attorney for the commonwealth, in the district court, copies of warrant of commitment and depositions, forfeits 50 dollars——*To the commonwealth.*

6 Rev. Code, vol. 1, ch. 80, sec. 3, pa. 120. Clerk of county court failing to certify to the governor within one month the sheriff's failure to give bond and security within two months after his appointment, forfeits 500 dollars——*See sheriffs, No. 3.*

7 Ch. 83, sec, 23, pa. 131. Clerk or his legal representatives failing to perform any one of the duties imposed on them, by the act for ascertaining the taxable property, &c, forfeit 150 dollars.

8 Ch. 70, sec. 7, pa. 95—ch. 83, sec. 38, pa. 134—ch. 255, sec. 4, pa. 397. Clerks of courts failing to pay into the public treasury at the time prescribed by law, the monies received by them on public account, to be deprived of their offices.

9 Ch. 86, sec. 57, pa. 150. Every clerk failing to do his duty under the law for processioning, forfeits twenty dollars——*See processioning.*

10 Ch. 234, sec. 3, pa. 380—ch. 243, sec. 5, pa. 387, ch. 255, sec 4, pa. 397, and Rev. Code, vol. 2, ch. 85, sec. 3. Clerks of courts failing annually before the first day of October, to transmit to the auditor a list of all licences granted to hawkers and pedlars, (and by the last act, to tavern keepers) forfeit $ 50.

11 Ch. 19, sec. 5, pa. 27. Clerk failing to fix up in the courthouse of his county, once in every year, a list of the names and precincts of surveyors of roads, forfeits fifty shillings for every neglect——*One moiety to the informer, the other to the county.*

12 Ch. 219, sec. 1, pa. 372. Clerk failing within ten days after the appointment of a surveyor of a road to deliver to the sheriff a copy of the order, forfeits 5 dollars——*To the same.*

13 Ch 242, sec. 3, pa. 385. Any clerk failing to pay into the public treasury the taxes imposed on law process, &c. shall forfeit for every year's failure 600 dollars, and be displaced from office by the general court.—Sec. 2. Nor shall he receive any money from the treasury, or recover any fees till he has obtained a *quietus* for those taxes: Sec. 5. The auditor to publish the names of delinquents——*To the commonwealth.*

14 Rev. Code, vol. 1, ch. 283, sec. 5, pa. 413. Clerk of a county or corporation court failing to fix at his courthouse door, a list of free negroes and mulattoes, returned by the commissioners of the revenue, annually, forfeits 20 dollars——*One half to the county or corporation, the other to the informer.*

15 Ch. 285, sec. 4, pa. 415, and Rev. Code, vol. 2, ch. 85, sec. 4, pa. 111. Clerk failing to fix up in some public place in his courthouse, a list of licences recorded by him, which have been granted to hawkers and pedlars, forfeits 50 dollars for each omission.

16 Ch. 285, sec. 4, pa. 416, and Rev. Code, vol. 2, ch. 85, sec. 4. Clerks of courts on or before the 15th of December, to account on oath to the auditor for all taxes received by them before the first of September in each year.

COMMISSIONERS OF THE REVENUE.

No. 1. Rev. Code, vol. 1, ch. 83, sec. 12, pa. 130. Any person appointed a commissioner of the revenue, and refusing to serve, not having a reasonable excuse, to be judged of by the court of his county, shall forfeit one hundred dollars.

2 Sec. 18. Any person giving a false or fraudulent list of property, or refusing to give a list on oath or affirmation, shall forfeit fifteen dollars, and be liable to a triple tax on the property ascertained by the commissioner. *The fine towards lessening the county levy, and the triple tax accounted for by the sheriff as other taxes*—Sec. 19.

3 Sec. 23, pa. 131. Commissioners of revenue or their legal representatives, failing to perform any one of the duties imposed on them by the act for ascertaining the taxable property, &c. forfeits 150 dollars.

4 Ch. 285, sec. 3, 6, and Rev. Code, vol. 2, ch. 85, sec. 2, 3, pa. 111, 112. Commissioners of the revenue to report delinquent merchants, hawkers and pedlars to courts of their respective counties; to return a list of merchants' licences to the court of their county or corporation; and a list of merchants' licences to the auditor, before the first of May annually, in the towns of Richmond, Norfolk, Petersburg, Manchester, Falmouth, Portsmouth and Fredericksburg; and the sheriffs are annually, before the 26th of May, to pay into the treasury the taxes arising from merchants' licences in those towns.

5 Rev. Code, vol. 2, ch. 30, sec. 1, pa. 30. Commissioners of the revenue failing to furnish to escheators lists of property escheated, forfeits fifty dollars——*One half to the commonwealth, the other to the informer.*

COMMISSIONERS of the LAND TAX.

Rev. Code, vol. 1, (Appendix, ch. 1.) pa. 439. County commissioners failing in any of the duties prescribed by law, forfeit two hundred pounds each——*One half to the informer, the other to the use of the county.*

CONGRESS.

Bribery in election of members of. *See bribery.*

CONSTABLES.

No. 1. Rev. Code, vol. 2, ch. 8, sec. 1, pa. 5. Any person exercising the office of constable without entering into bond, and taking the necessary oaths, forfeits fifty dollars; not to extend to justices of the peace deputing constables in criminal cases——*For the use of the county or corporation.*

2 Ch. 88, sec. 10, pa. 116. Constable failing to return an execution, may be fined not exceeding five per cent. per month.——*To the party injured.*

3 Ch. 98, sec. 2, pa. 124. A constable acting out of his district, forfeits five dollars for every offence.

4 Sec. 3. For demanding and receiving other than the legal fees, a constable forfeits three dollars for every offence.——*To the party injured.*

CONVICTS.

Rev. Code, vol. 1, ch. 35, sec. 2, pa. 40. Any person bringing into this state, from abroad, any felon convict, or laboring under any legal disability incurred by a criminal prosecution, or who shall be delivered to him from any prison or place of confinement out of the United States, forfeits £50, for each——*One half to the commonwealth, the other to the informer.*

CORONERS.

No. 1, Rev. Code, vol. 1, ch. 81, sec. 1, 2, pa. 124. Every justice of a court failing to nominate, at the succeeding court after a vacancy, two persons, one of whom to be commissioned by the governor, with the advice of council, as coroner, forfeits one hundred and fifty dollars——*One half to the informer, the other to the commonwealth.*

2 Sec. 5, pa. 125. Any coroner executing process without taking the oath of office, and entering into bond, forfeits 1500 dollars ——*The same.*

3 Sec. 21, pa. 126. Coroners failing to execute the duties of their office, forfeit 100 dollars——*The same.*

COUNCIL OF STATE—*See executive.*

COUNSEL—*See attornies at law.*

CRIMINALS.

See judges and justices No. 4—sheriffs No. 1 ——clerks of courts No. 5.

No. 1. Rev. Code, vol. 1, ch. 74, sec. 29, pa. 106. A private person having a criminal in his custody, for safe keeping, negligently permitting his escape, shall be liable to a fine.

2 Sec. 30 No sheriff, &c. to seize the goods of a person accused or indicted of felony, unless authorised by proper process, under penalty of forfeiting double the value of the goods——*To the party injured.*

CURSING—*See profane swearing.*

DEER.

No. 1. Rev. Code, vol. 1, ch. 113, sec. 1, pa. 209. A person using fire-hunting for the purpose of killing deer, forfeits four dollars for every offence——*One half to the overseers of the poor, the other to the informer. But when the oath of the owner of the land is taken to convict the offender, the whole penalty to the overseers of the poor.*

2 Sec. 2, pa. 209. To kill a tame deer having a bell or collar on its neck, subjects the offender to an action of trespass at the suit of the person whose property it was.

3 Ch. 273, sec. 1, pa. 406. A free white person killing a deer (not his own) between the first day of January and first day of August in any year, is liable to a fine of five dollars each——*To the use of the informer, unless the conviction be on his evidence, then to the overseers of the poor.*——If a white person, free negro or mulatto be guilty of a like offence, he shall forfeit 5 dollars; and in case of refusal or inability to pay, shall receive not less than ten nor more than twenty lashes——*The pecuniary penalty to the informer or overseers of the poor as above.*

4 Sec. 2, pa. 47. A slave guilty of a like offence to receive not less than ten nor more than twenty lashes.

DELEGATES—*See assembly.*

DETAINER.

See forcible entry and detainer.

DISTILLERS.

See unwholesome meat and drink.

DIVINE WORSHIP—*See religious worship*

DRUNKENNESS.

Rev. Code, vol. 1, ch. 138, sec. 1, pa. 275. A person getting drunk forfeits 83 cents for each offence——*To the overseers of the poor for the use of the poor.*

ELECTIONS.

See assembly, bribery and extortion No. 3—4.

EMANCIPATION—*See slaves, &c.*

EMBRACERY.

No. 1. Ch. 48, sec. 3, pa. 47. Any juror on any inquest, taking any thing to give his verdict, shall pay ten times the amount of the thing taken. *(See jurors, No. 5.)*—— *One half to the commonwealth, the other to the informer.*

2 Sec. 4. Every embracer who shall procure any juror to take gain or profit, shall pay a fine not exceeding £ 200, and be imprisoned, &c.

ESCHEATORS.

No. 1. Rev. Code, vol. 2, ch. 30, sec. 2, pa. 31. Every escheator failing to hold an inquisition upon receiving information from the commissioner of the revenue, or other person, that any one hath died seized of an estate of inheritance, intestate and without any heir known, forfeits 50 dollars for each offence ——*One half to the commonwealth, the other to the informer.*

2 Rev. Code, vol. 1, ch. 224, sec. 5, pa. 376. Escheator failing to pay the money arising from the sale of land into the public treasury within one month after the sale, liable to the same penalty as sheriffs failing to pay public dues.

EXECUTIVE.

Their power as to remitting fines, &c.

No. 1. Rev. Code, vol. 1, ch. 62, sec. 9, pa. 60. Executive not authorised to remit any fine or amercement assessed by a jury.

2 Ch. 280, pa. 411. It shall not be lawful for the executive to remit, mitigate or moderate, any fine or amercement, assessed or imposed by any court of record, court martial or other power or authority, authorised to assess such fine or amercement, unless by law they are expressly permitted.

EXTORTION—*See bribery and extortion.*

FALSE NEWS.

Rev. Code, vol. 1, ch. 112, pa. 209. Divulgers of false news may be fined by the court 40 dollars for each offence.

FEES.

Penalty on attornies, clerks, &c. for exacting more than legal fees——*See the respective heads.*

FERRIES.

No 1. Rev. Code, vol. 1, ch. 116, sec. 4, pa. 227. Keeper of a ferry or toll bridge who shall demand and take more than the legal rates, forfeits the ferriage or toll received and two dollars for each offence—— *To the party overcharged.*

2 Failing to give bond, forfeits seven dollars for each month's neglect——*To the commonwealth.*

3 Sec. 7, pa. 227. Persons not licenced to keep a ferry, setting over any river or creek whereon a ferry is established, forfeit 20 dollars for each offence——*One moiety to the ferry-keeper nearest the place where the offence was committed, the other to the informer; and if such ferry-keeper informs he shall have the whole penalty.*

4 Rev. Code, vol. 2, ch 105, sec. 7, pa 132. Refusing to set over any person (without a reasonable excuse, sec. 8) forfeits two dollars for each refusal——*One half to the informer, the other to the poor of the parish*

FINES.

No 1. Rev. Code, vol. 1, ch. 63, sec 17, pa 81—ch. 66, sec. 63, pa. 83—ch 67, sec 74, pa 93—vol 2, ch. 4, sec. 1, pa. 2. Clerk of the general court and clerks of the district, county and corporation courts failing to transmit lists of fines to the sheriffs and auditor annually before the last day of January, forfeit 150 dollars——*To the commonwealth.*

2 Rev Code, vol. 2, ch. 76, sec. 1, pa 104. Clerks failing to transmit to the auditor, copies of sheriff's receipt and of execution and judgment for fines placed in the sheriff's hands, within sixty days after the date of the receipt, forfeit 50 dollars——*To the same.*

FIRE COMPANIES.

Rev Code, vol 1, ch. 34, pa. 39. Fines and forfeitures may be imposed by regulations of fire companies——*To the purposes of the institution.*

FIRE HUNTING—*See deer.*

FISH.

No. 1. Rev. Code, vol. 1, ch. 197, sec 2, pa 352. Inspectors of fish neglecting their duty in attending to inspect, or stamping any barrel contrary to the directions of the act, forfeit for each neglect of duty, and for each barrel of fish not duly qualified, one dollar ——*To the informer.*

2 Sec. 4, pa. 352. Person selling, or exposing to sale or barter, any barrel of fish of less than the legal gauge (not less than 30 nor more than 32 gallons) forfeits two dollars for every barrel——*To the informer.*

3 Sec. 5, pa. 353. Persons selling or exporting fish to identify the same on oath; and being convicted of taking a false oath liable to the penalty of perjury, and forfeit 100 dollars——*To him who will sue.*

4 Sec. 6, pa. 353. Master of a vessel, officer or mariner, receiving on board any uninspected fish, forfeits two dollars for each barrel——*To him who will sue.* Any cooper, inspector or other person shifting any fish from the barrel in which they were when it was stamped, and shipping and exporting the same with a new brand, &c. forfeits a sum not exceeding five dollars Any person other than the proper officer stamping a barrel of fish with a brand in imitation of his, forfeits five dollars for each barrel——*To the informer.*

FLOUR.

No. 1. Rev Code, vol. 1, ch. 301, sec. 2, pa. 430. Mixed flour with any other grain or substance, to be forfeited and sold by the inspector for the benefit of the commonwealth; and moreover a fine of ten dollars for each barrel to be imposed on the miller, manufacturer or person offering it for inspection.

2. Ch 155, sec. 1, pa. 311. Flour barrels to be weighed and the tare marked thereon; and for marking a wrong tare to the disadvantage of the purchaser, a fine of 83 cents.

3 Sec. 5, 6, pa. 229. Penalty for not hooping, nailing and branding casks of flour and bread as prescribed by law, 42 cents each.

4 Sec. 7, pa. 229. Every whole barrel of flour to contain 196 pounds; and every half barrel, 98; under penalty of 8 cents for every pound deficient under 3, and for the deficiency more than 3, 17 cents.

5 Sec. 9, pa 229. Baker of bread for exportation to deliver a manifest of the contents, with his brand marked thereon, and his name subscribed thereto, under penalty of 7 dollars, for every manifest delivered contrary thereto; and if any cask of bread be found lighter than specified in the manifest, he shall forfeit for every pound deficient, in the same proportion as for flour.

6 Sec. 10, pa. 230. To lade or put on board any vessel for exportation, flour marked "condemned," or not inspected, subjects the offender to a fine of ten dollars for each barrel.

7 Sec. 11, pa. 230. For packing flour, &c. in old casks which have been branded and marked, a penalty of 20 dollars for each cask, is inflicted.

8 Sec. 14, pa. 231 Inspector not to purchase flour, except for his own use, under penalty of 7 dollars for each barrel

9 Sec. 15, pa. 231. For altering the mark stamped on a cask of flour by an inspector; or marking a cask of flour not inspected with a brand in imitation of an inspector's; or packing other flour in casks marked by an inspector; or unpacking flour from a "condemned" cask and packing it in another, subjects the offender to a fine of 7 dollars for each cask.

10 How inspectors are to account for that part of the fines which go to the commonwealth. The fines in most cases go to the informer, unless he be an inspector. See ch. 117, sec. 18, pa. 231. Ch. 155, sec. 2--3, pa. 311. Ch. 225, sec. 4, pa. 377.

FORCIBLE ENTRY & DETAINER.

No. 1. Rev. Code, vol. 1, ch. 87, sec. 1, pa. 151. The people of the county, as well the sheriff as others, failing to attend justices, in order to arrest persons guilty of a forcible entry and detainer, shall be imprisoned and amerced at the discretion of a jury.

2 Sec. 5, pa. 152. Sheriff failing to execute process directed to him by justices, respecting forcible entries, shall forfeit 80 dollars——*To the commonwealth*, if by indictment or information; or if by bill at the suit

of the party grieved, one moiety to the commonwealth.

FORNICATION.

Rev. Code, vol 1, ch. 138, sec 6, pa. 276. Every person, not being a servant or slave, who shall be guilty of adultery, forfeits for every offence, twenty dollars; and for fornication ten dollars——*To the overseers of the poor.*

FREE NEGROES & MULATTOES.

See slaves, free negroes and mulattoes.

FRUIT TREES.

Rev. Code, vol. 1, ch. 137, sec. 4, pa. 274. Owner of horses, mares or other beasts, knowing them to have barked fruit trees, shall keep them inclosed; and if taken up at large, shall pay the taker up two dollars each.

GAMING.

No. 1. Rev. Code, vol. 1. ch. 96, sec. 2, pa. 174. A person losing seven dollars or more, at gaming or betting within 24 hours, and paying the same, may, within 3 months recover it back; if the party losing shall not within that period, *bona fide* sue for and prosecute with effect for the amount, any other person may sue for and recover it and treble the value thereof, with costs——In the latter case, one moiety to the person suing, the other to the use of the parish.

2 Sec. 5, pa. 175. Playing at any game, except bowles, backgammon chess or draughts* or betting on the hands or sides of those who do play, at any ordinary, race field, or any other public place, subjects the offender to a fine of 20 dollars, recoverable before a single justice of the peace—or in any court of record. To the use of the poor of the parish. Rev. Code, vol 2, ch. 15, sec. 2, pa. 12.——The judges of the general and district courts, and the said courts authorised to execute the laws against unlawful gaming, as fully as the magistrates of the county courts, and the said county courts. Rev. Code, vol. 1, ch. 221, sec, 7, pa. 373.

3. Sec. 6, pa. 175. Any person losing or winning, by playing or betting at any game, more than 20 dollars, at any time within 24 hours, both winner and loser shall be liable to pay one half the entire sum won or lost above 20 dollars——Towards lessening the county levy

4 Sec. 7, pa. 175. Gamesters having no visible means of supporting themselves, to be bound to their good behavior,

5 Sec. 8, pa. 176. A person who shall assault, beat or challenge, or provoke to fight, another on account of money, &c. won by gaming or betting, forfeits 30 dollars——To the party injured.

6 Sec. 9, pa. 176. Any person winning money, &c. by cheating, or betting on those who do, shall forfeit five times the sum of money or value of the thing won; shall be deemed infamous, and suffer such corporal punishment as in cases of wilful perjury.

7 Sec. 11, pa. 176. All keepers or exhibitors of the gaming tables called A, B, C, or E O table or faro-bank, or any other table or bank of the like kind, under any denomination whatsoever, to be treated as vagrants†; and any magistrate, may by warrant, order such table to be publicly burnt——Billiard tables may in like manner, be seized and burnt; see Rev. Code, vol 1, ch. 221, sec. 2, pa. 373.

8 Sec 12, pa 176. Lotteries of blanks and prizes, and raffling prohibited; and any person offending shall forfeit the whole sum of money proposed to be raised by such lottery or raffling——*To the use of the commonwealth.*

9 Rev. Code, vol. 1, ch. 221, sec. 1, pa. 373. All monies exhibited for the purpose of alluring persons to bet against at any game, and all monies betted at such game, may be seized by any magistrate or other person under a warrant from a magistrate——To be accounted for by the person seizing to the court of the county or corporation, to go in aid of the county levy and poor rates, deducting 50 per cent. for the person making the seizure.

10 Rev. Code, vol. 1, ch, 221, sec 3, pa. 373. Any person suffering the game of billiards, or A B C, E O or Faro bank, or any other gaming table of the like kind, under any denomination, to be played in his house, or the house of which he has at the time the use or possession, forfeits 150 dollars for every offence: And every exhibitor of such table, and every unlicenced tavern keeper, suffering unlawful gaming on any part of the premises in his or her occupation, is subjected to an additional penalty of 100 dollars; and shall be compelled to give security for the good behaviour, in the sum of 500 dollars or more; and a repetition of the offence shall be a forfeiture of the recognizance. See Rev. Code, vol. 2, ch. 15, sec 7, pa. 14. ☞See as to the person who shall be deemed the owner or occupier of a house——Rev. Code, vol. 2, ch. 15, sec 6, pa. 13.

11 Sec. 4. p. 373. Twenty dollars to be taxed in the bill of costs, for a lawyer's fee, on a conviction for unlawful gaming.

12 Sec. 5, pa. 373. A person obstructing the seizure of monies, under this act, forfeits 1500 dollars: and any person who shall carry away any part of the money after the seizure, shall be declared guilty of a misdemeanor.

13 Rev Code, vol. 2, ch. 15, sec. 10, pa. 15. Door-keepers and guards employed at gaming houses, or persons employing such, shall be fined not exceeding 1000 dollars, nor less than 100, at the discretion of the jury, or imprisoned, not less than one nor more than six months.

14 Sec. 2, pa 12. Fines, forfeitures, and penalties, arising under the laws to prevent

* Note, Billiards were excepted by this act, but they are now prohibited. See Rev. Code, vol. 1, ch. 221, sec 2, pa. 373.

† Note, Vagrants may be apprehended and sold for any term not exceeding three months.——See Revised Code, ch. 102, sec. 21–22, pa. 185.

unlawful gaming, which may be inflicted for the use of the commonwealth, may be recovered in any court of record, by presentment or indictment of a grand jury, or upon information filed by the attorney for the commonwealth; or by action of debt, bill, plaint, or any other legal ways or means; and no exception shall be admitted for any want of form, &c.

15 Sec. 4, pa. 13. Sheriff failing to take bail on a capias awarded to take the body of a person against whom a judgment is rendered for breach of the laws to prevent unlawful gaming, forfeits 500 dollars.——Every fine, penalty and forfeiture, imposed in any superior court, for breach of the laws to prevent unlawful gaming, shall be paid into the public treasury, for the purpose of building, repairing and supporting public jails, clerks' offices and courthouses, for the use of the district courts; and if in a county or corporation court, one half shall be to the use of the poor, and paid to the overseers of the poor; the other half to the use of the county and applied towards lessening the county levy.—See Rev. Code, vol. 2, ch. 15, sec. 5, pa. 13.

GRAND JURIES.—*See Jurors.*
Penalty on sheriff failing to summon, See Jurors No 4.

HABEAS CORPUS.

Rev. Code, vol. 1, ch. 118, sec. 5, pa. 232. Any officer neglecting or refusing to execute the law, in relation to writs of *habeas corpus*, forfeits 300 dollars.——*To the prisoner;* and the right of action shall not cease by the death of either or both the parties.

HARBOR MASTERS.

No. 1. Rev. Code, vol. 1, ch. 9, sec. 3, pa. 15. Master of vessel failing to comply with directions of harbor masters, forfeits fifteen pounds——*To the commonwealth.*

2 Sec. 4, pa. 15. Failing to give directions for mooring vessels, within the time prescribed by law, forfeits fifteen pounds——*To the same.*

3 Ch. 236, pa. 381. Master or skipper of river or bay craft, refusing to obey directions of harbor master, forfeits 2 dollars——*Towards lessening the county or corporation levy.*

——— Or refusing to remove flat, lighter, or craft which obstructs ferry boats, one dollar——*The same.*

HAWKERS.—*See Pedlars.*

HEMP.

Rev. Code, vol. 1, ch 54, sec. 3, pa. 53. Inspector failing to account for a proportion of his fees to the treasurer or owner of the warehouse, forfeits £300——*To the commonwealth or owner of the warehouse.*

Sec. 6, pa. 53. Any court failing to provide houses, scales, screws, &c. at the places appointed for the reception of hemp, forfeits £300——*One moiety to the prosecutor, the other to the commonwealth.*

HIGHWAYS.—*See Roads.*

HOG STEALING.

No. 1. Rev. Code, vol. 1, ch. 98, sec. 3, pa. 177. If a servant be guilty of hog stealing, either the first or second time, his owner shall pay eight dollars as aforesaid; which shall be repaid with costs of suit, by the servant, by additional service; after the expiration of his time, at the rate of three dollars a month ——*To the same.*

2 Sec. 4, pa. 177. A slave guilty of hog stealing, shall on conviction thereof, for the first offence, receive thirty-nine lashes at the public whipping post; for the second offence shall stand two hours in the pillory, with both ears nailed, as in the case of a free person: and a witness giving false testimony on the trial of a slave, shall receive the same punishment as would be inflicted on the slave upon conviction.

3 Rev. Code, vol 1, ch. 98, sec. 5, pa. 178. Any person guilty of hog stealing a third time, shall be adjudged a felon.

4 Sec. 6, pa. 178. A person bringing to his house, or on board his vessel, &c. a hog without ears, shall be adjudged a hog stealer, unless he can prove the hog, &c. to have been his own.

5 Sec. 7, pa. 178. Any person, not being an Indian, buying or receiving from an Indian any pork, not of the proper mark allowed by the next adjacent county to such Indians, shall forfeit 25 dollars——One half to the commonwealth, the other to the informer.

6 Rev. Code, vol. 2, ch. 55, sec. 4, pa. 80. Any person stealing a hog, shoat or pig, shall be adjudged guilty of petit larceny, and have the same trial and punishment as for petit larceny.—See the mode of trial and punishment for petit larceny, Rev. Code, vol. 2, ch. 41, sec. 4.

HORSES.

Rev. Code, vol. 1, ch. 119, pa. 233. Owner or keeper of a stud horse of the age of two years, suffering him to run at large out of his inclosed ground; and wilfully and negligently permitting it, after having been admonished to confine him, forfeits twenty dollars; and double that sum for any such transgression after one conviction——*To him who will sue.*

After a second conviction, if the horse be found running at large, any person may take him up and retain him to his own use.

HORSE-STEALING.

Rev. Code, vol. 1, ch. 101, sec. 3, pa. 179. A person buying or receiving a stolen horse, knowing it to be such, may be prosecuted for a misdemeanor, and subjected to fine and imprisonment, or other corporal punishment, although the principal be not convicted

HUNTING AND RANGING.

Rev. Code, vol 1, ch. 88, sec. 1, pa. 152. If any person shall shoot, hunt, or range upon the lands or tenements; or fish or fowl in any creeks or waters included within the bounds of another, without licence first obtained from the owner, he shall forfeit three dollars for every offence——To the owner of the land, where the conviction is upon com-

fession, or the oath of a credible witness; but where the owner prosecutes, and the conviction is upon his oath, to the overseers of the poor

Sec. 2. If a person shall be convicted a third time of such offence, the justice shall require him to enter into a recognizance, with security, in the penalty of thirty dollars, for his good behavior for one year; and in case of refusal shall commit him to the common jail: and a conviction of any of the above offences within the time of his recognizance, shall be a forfeiture——*To the overseers of the poor.*

HUNTING DEER.—*See Fire Hunting.*

IMPEACHMENTS.

No 1. Rev. Code, vol. 1, ch 72, sec. 3, pa. 99. Jurors attending for the trial of impeachments entitled to the same allowance, and subject to the same penalties as those attending the district courts.

2 Sec. 7. Judgment on impeachment may be either a total disqualification for office, or removal *pro tempore*, or such pains or penalties as may be prescribed by law.

INDIANS.

Rev. Code, vol. 1, ch. 122, pa 236 No person shall buy or occupy, by virtue of a lease, any lands from any of the tributary Indians, under penalty of one dollar and sixty-seven cents per acre, for every year's occupation. One moiety to the commonwealth, the other to the informer.

JAMES RIVER,—*Obstructions in.*

No. 1 Ses. Acts 1790, ch. 26, pa. 19. Any person making hedges, fish traps, or other obstructions to navigation on James river or any of its navigable branches, from the upper end of the canal to the highest point of navigation, forfeits one hundred pounds for each offence ——One half to the informer, the other to the commonwealth.

2 Rev. Code, ch. 56, pa 54 Owner of boat navigating the waters of James river above the falls, failing to enter with the clerk of his court, the name of the owner, the county of his residence, and the number of the boat, and to keep the name, county and number, written or printed on each side, in letters at least four inches long, forfeits twenty shillings each day——To any person who will sue.

3 Ses Acts 1802, ch. 9, pa. 9. Fixing any dam, hedge, weir, trap, seine, drag or other stoppage or contrivance in James river or any of its navigable branches, whereby the free passage of fish may be obstructed (except some water works useful for the public) subjects the offender to a forfeiture of one hundred dollars for each offence, and fifty dollars for every twelve hours continuance.—One moiety to the informer, the other to the commonwealth.

4 Sec 5. Using traps, &c. already erected, creates a forfeiture of one hundred dollars each time——To the same.

5 Ses. Acts 1804, ch. 27, pa. 29 For not making slopes for the passage of fish conformably to law, the offender may be fined at the discretion of a jury, and a writ issue to the sheriff to take the power of the county and pull the dam down

JUDGES AND JUSTICES.

No 1 Rev. Code, vol 1. ch 64, sec. 7, pa. 64; and ch. 297, sec. 6, pa. 427. Judge of high court of chancey executing his office without taking the oaths prescribed by law, forfeits 1500 dollars.

2 Ch. 65, sec 1, pa. 69; and ch. 66, sec. 4, pa. 73. Judges of general court and of district courts, liable to the same penalty for the same act.

3 Ch. 67, sec. 2, pa. 84. Justice of the peace, exercising duties of his office without taking the oaths prescribed by law, forfeits one thousand dollars——One moiety to the commonwealth, the other to the informer.

4 Rev. Code, vol. 2, ch. 34, sec. 1, pa. 37. Justice committing a free criminal to jail, and failing to summon a court, forfeits 100 dollars. To the commonwealth.

5 Rev. Code, ch. 80, sec 1, 2, pa. 120 — The court of any county failing to nominate three persons in the commission of the peace, annually in the months of June or July, one of whom to be commissioned as sheriff, every justice so neglecting, forfeits 200 dollars—— See sheriffs No 2.

6 Ch. 81, sec 1, 2, pa. 124. Court failing to nominate two persons, one of whom to be commissioned as coroner, every justice neglecting forfeits 150 dollars.—See coroners. One half to the informer, the other to the commonwealth.

7 Ch. 83, sec 23, pa. 131. Justices or their legal representatives failing to perform any one of the duties imposed on them by the act for ascertaining the taxable property, &c. forfeit 150 dollars.

8 Ch 86, sec. 57, pa 150. Justices failing to make the necessary orders relating to processioning, forfeit 25 dollars. See processioning.

9 Ch 95, sec. 7, pa. 173. Every justice sitting during the term at which a guardian should be summoned to render an inventory and account, and failing to perform that duty, to be amerced.

10 Ch. 103, sec. 15, pa. 188. Every justice who, upon his view or information from others, fails to issue a warrant or execute his duty in suppressing unlawful meetings of slaves, forfeits eight dollars for every failure ——To the informer.

11 Ch 106, sec. 8, pa. 201. Every justice neglecting or refusing to execute the duties enjoined on him in relation to the small pox, forfeits 20 dollars——To the party grieved.

12 Ch 120, sec. 6, pa 234. Or, for neglecting or refusing to perform their duties in relation to lunatics, for each offence 150 dollars——To the commonwealth.

JURORS

No 1. Rev Code, vol 1, ch 73, sec. 7, pa. 100. Freeholder summoned as a grand juror and failing to attend, shall be fined not exceeding 8 dollars, unless cause be shewn

to the contrary at the next court——To the commonwealth.

2 Sec 11. pa. 101. Juror summoned by the sheriff for the trial of a cause, and failing to attend, shall be fined eight dollars——To the commonwealth

3 Sec 15 Any juror guilty of a contempt to the court, may be fined not exceeding 30 dollars

4 Sec 17. Any sheriff failing to summon a grand jury and failing to return a pannel of their names, forfeits twenty dollars——To the commonwealth.

5 Sec. 19. Any juror upon any inquest taking any thing by himself or another, for giving his verdict, shall not thereafter be put on any jury, and shall pay ten times as much as he shall have taken——One half to him who will sue, the other to the commonwealth

6 Rev. Code, vol 2, ch 71, pa 99. A juror lawfully summoned by a sheriff or officer, to take any inquest, and failing to a tend, shall be fined not exceeding eight dollars, unless at or before the next succeeding court after he is returned as a delinquent he shews cause to the contrary.

LOTTERIES.

Rev Code, vol. 1, ch. 96, sec. 12, pa. 176. No person to institute a private lottery of blanks and prizes or to put up any thing to be raffled for, under penalty of forfeiting the whole sum to be raised——*To the commonwealth.*

LUMBER.

Rev. Code, vol. 1, ch. 124, sec. 4, pa 238. Master of a vessel taking on board for exportation, any lumber without the certificate of the inspector, forfeits the lumber so taken on board and sixty dollars——*One half to the person suing, the other to the commonwealth.*

MARRIAGES.

No. 1. Rev. Code, vol. 1, ch 104, sec. 1, pa. 192. Any minister celebrating the rites of matrimony without a licence or publication of banns, shall be imprisoned a year without bail or mainprize and forfeit 1500 dollars——One moiety to the commonwealth, the other to the person who will sue.

2 Sec 9, pa. 194. Minister refusing to celebrate the rites of matrimony for the legal fees or exacting more; or minister or clerk refusing to publish the banns and grant a certificate for the fees prescribed by law, forfeits 50 dollars——To the party grieved.

3 Sec. 11. pa. 194. Any minister (or in case of Quakers and Menonists, clerk of the congregation) failing to transmit to the clerk of the county or corporation, a certificate of all marriages celebrated by him within 12 months thereafter, shall forfeit 60 dollars; and the like sum to be paid by the clerk for failing to record it——To the informer.

4. Sec. 12, pa. 194. Clerk or other issuing marriage licence contrary to law, to be imprisoned one year without bail or mainprize and fined 1500 dollars.

5 Sec. 13, pa. 195. Marriages within the prohibited degrees of consanguinity, may be declared null and the parties fined by the assessment of a jury.

6 Sec. 15, pa. 196. A *feme sole* between the ages of 12 and 14 marrying without consent of her father or guardian and without licence or publication of banns, forfeits her estate of inheritance to her next of kin; to be held during the coverture.

7 Sec. 16, pa. 196. Minister or clerk publishing banns; or minister marrying any free person and servant without consent of the master of such servant, forfeits 250 dollars; the servant shall moreover serve one year after the term of service shall expire; and the free person shall pay the master or owner, 20 dollars, or serve such master or owner one year.

8 Sec 17, pa. 196. A white man or woman marrying with a negro or mulatto, bond or free, shall be imprisoned six months and pay a fine of 30 dollars——To the parish.

9 Sec. 18, pa. 196. A minister marrying a couple of the above description, forfeits 250 dollars——One half to the commonwealth, the other to the informer.

10 Sec. 20. A person above the age of 16, taking away any maiden or woman child unmarried, within the age of 16, from the possession of her father, mother or person having he keeping and education of her, shall be imprisoned for a term not exceeding two years.

11 Sec. 21, pa 197. For taking away and deflowering such female, subjects the offender to imprisonment for the space of five years——All the fines arising from incestuous marriages, go to the use of the poor. The others not particularly appropriated, to the commonwealth.

MEAL.

No. 1 Rev. Code, vol. 1, ch. 195, sec 3, pa. 350. Every miller and manufacturer putting in less than the quantity of 196 pounds into a whole barrel and 98 pounds into a half barrel of meal shall forfeit for the deficiency of every pound under three 8 cents, and for the deficiency more than three 17 cents.

2 Sec. 5, pa. 351. To export or lade on board any vessel for exportation, any Indian meal 'condemned' or not inspected, subjects the offender to a fine of 5 dollars for every cask——One half to the informer, the other to the commonwealth.

MEAT—*See unwholesome meat, &c.*

MERCHANT TAX

Rev. Code, vol. 2, ch. 85 sec. 1, pa. 111. Merchant selling goods without licence forfeits 100 dollars——To the commonwealth.

MIGRATION—*See citizens.*

MILITIA.

No. 1. Rev. Code, vol. 2, ch 36, sec. 16, pa. 45. Sergeant failing to give notice of regimental and battalion musters forfeits 3 dollars.

2 Sec. 21, pa. 46. Officers failing to attend training, forfeit 5 dollars for each day's absence.

3 Sec. 26, pa. 47. On COLONELS COMMANDANT for failing to take an oath, to summon any court or board, to attend any court or board, to transmit any recommendation of an officer or officers to the governor, to deliver a commission or commissions, to appoint a battalion muster, or failing to give notice of regimental muster, to report delinquencies, to make returns of his regiment, for each offence or neglect, not exceeding 70 dollars; for failing or refusing to receive public arms and deliver them out, not exceeding 500 dollars; for failing to send into actual service any militia legally called for, or to turn out his militia upon any invasion or insurrection of his county, 300 dollars; for failing to appear while on duty in full uniform, 10 dollars; (Rev Code, vol. 2, ch. 84, sec 4--5, pa. 110,) for failing to attend battalion musters to inspect arms, 40 dollars; (*Ib.* ch. 131, sec. 18, pa 165,) failing to certify to the auditor the name of the clerk of the court of enquiry within 90 days after the meeting of his regimental court annually, 50 dollars; (*Ib.* vol. 2, ch. 112, sec. 4, pa. 141,) to be liable to the state for arms delivered to him unless he delivers them over to commanding officers of battalions.

4 Sec. 26, pa. 47. On MAJOR for failing to take an oath, to summon any court or board, to attend any court or board, to give notice of any regimental or battalion muster, to examine his battalion, to report delinquencies, or to make any return as directed by this act, for every offence or neglect, not exceeding 30 dollars; for failing to call forth from his battalion with due dispatch any detachment of men or officers as shall be required from time to time by the commanding officer of his regiment, on any call from the governor, invasion of, or insurrection in his county, or requisition from any neighboring county, 150 dollars; for failing to appear while on duty in full uniform, 7 dollars; (Rev. Code, ch. 84, sec. 1 -5, pa. 109--110,) for failing to call in and distribute arms anew, and for failing to attend company musters, armed by entire companies, and inspect their arms, 30 dollars; (Rev. Code, vol. 2, ch. 112. sec. 5, pa. 142,) to be liable to the state for arms delivered to him unless he delivers them over to commanding officers of companies.

5 Sec. 26, pa. 47. On CAPTAIN for failing to take an oath, to attend any court, to inroll his company, to appoint private musters, to give notice of a regimental or battalion muster, to attend any muster, to call his roll, examine his company and report delinquencies, or to allot his company into divisions from one to ten for a regular routine of duty, or to make any return as directed by this act, for each offence or neglect, not exceeding 20 dollars; failing to call forth such officers and men, as shall from time to time be legally called from his company, upon any call from the governor, invasion of, or insurrection in the county, or requisition from an adjacent county, or failing on such occasion to repair to the place of rendezvous, 75 dollars; for failing to receive any arms or to give a receipt therefor, failing to distribute them and take receipts for the same, for each offence, failure or neglect, not exceeding 50 dollars; for failing to appear while on duty in full uniform, 3 dollars; (Rev. Code, vol 2, ch. 84 sec. 1--5, pa. 109--110,) for failing to produce arms to major for new distribution, 20 dollars; (Rev. Code, vol. 2, ch. 112, sec. 6, pa. 142,) to be liable to the state for arms unless he distributes them as directed by law.

6 Sec. 26, pa. 47. On SUBALTERNS for failing to take an oath, to attend any court or muster armed as directed, for each offence, not exceeding 10 dollars; failing to repair to the place of rendezvous armed as required, when ordered, upon any call from the governor, invasion of, or insurrection in the county, or requisition from any neighboring county, 50 dollars; failing to comply with the directions of this act (so far as the same relates to the public arms) defining the duties of captains of companies, when such captain shall be absent, and the command of such company shall devolve on such subaltern, not exceeding 50 dollars; for failing to appear while on duty in full uniform, 2 dollars; *Provided*, that no officer shall be fined for failing to appear in uniform until three months after he shall have qualified to his commission.

7 Sec. 26, pa. 48. On non-commissioned officers and soldiers for failing to repair to the place of rendezvous, when ordered, upon any call from the governor, invasion of or insurrection in the county, or requisition from a neighboring county, not exceeding eighty dollars; and moreover shall be inrolled in the class destined to perform the next tour of duty; and shall be liable to be arrested and tried for the said offences as military offenders. (Rev. Code, vol 2, ch. 131, sec. 3, pa. 163) Any non-commissoned officer or private, failing to attend at his regimental, battalion or company muster (not having a reasonable excuse to be judged of by the battalion or regimental courts of enquiry) shall be fined in a sum not less than seventy-five cents, nor more than three dollars; (Rev Code, vol 2, ch 84, sec. 2, pa. 109) being armed, failing to appear at a muster with arms and accoutrements in complete order, not less than seventy-five cents, nor more than two dollars; (Rev. Code, vol. 2, ch 112, sec. 16, pa. 143) freeholder or house keeper, not being a quaker, dunker or menonist, refusing to receive public arms when tendered, for every refusal 20 dollars; (Rev Code, vol 2. ch. 84, sec. 3, pa. 109) each non-commissioned officer or private refusing or neglecting to receive any arms or accoutrements when offered to him, or to give a receipt for the same, unless such refusal be made by a quaker or menonist, not exceeding ten dollars; and for removing out of the bounds of his company district

without delivering arms to a commissioned officer therein, twenty dollars; (Rev. Code; vol. 2, ch 112, sec. 11, pa 142, & sec 15, pa. 143) non-commissioned officer or private armed by the public, to be fined fifty cents for each article of his accoutrements out of order, and for any arms injured or kept in bad order, not less than two nor more than 20 dollars; or commanding officer of company may, at his discretion, seize and take away such arms; (*Ibid*, sec 9, pa. 142) for loss of arms, for a musket twenty dollars; for a ramrod one dollar; for a bayonet two dollars; for a cartouch box two dollars; for a pistol five dollars; for a sword ten dollars; for a pair of holsters five dollars; for a rifle thirty dollars; (*Ibid*, sec. 10, pa. 142) to sell, buy, or give away any part of the public arms, or carry the same out of the bounds of the regiment, with intent to defraud the commonwealth, a misdemeanor, punishable by amercement not exceeding fifty dollars, and imprisonment not exceeding twenty days, at the discretion of a jury; (Rev Code, vol 2, ch 36, sec. 61, pa 57) non-commissioned officer or private attempting to transfer a right to arms in his custody, or to any part thereof, by sale or otherwise, to any person, accompanied by actual delivery, the person so offending, as well as him purchasing or concealing such arms, knowing them to be the property of the commonwealth, to forfeit for each offence fifteen dollars; (Rev Code, vol 2, ch 110, sec. 12, pa. 129) every person in whose possession any of the public arms or accoutrements have been lost or destroyed, shall forfeit twenty dollars, for the use of the commonwealth, to be certified, collected and accounted for as fines, forfeitures and amercements are; (*Ibid*, sec. 8, pa. 138) non-commissioned officer or private failing to deliver arms, when required by commanding officer of company, forfeits ten dollars; (Rev Code, vol. 2, ch. 131, sec. 7, pa 163) failing to go into the ranks at a muster or to perform any order given, forfeits not less than five, nor more than ten dollars.

8 Rev. Code, vol. 2, ch. 131, sec. 13, pa. 164. Adjutant failing to attend any regimental or battalion muster, or any other meeting of the regiment or battalion, forfeits twenty dollars; quarter-master and pay master, surgeon and surgeon's mate, for failing to attend the regimental muster, fifteen dollars; and sergeant major for failing to attend the regimental or battalion musters, or training of the officers, five dollars.

9 Sec. 19, pa. 166 Brigadier general failing to direct the training of the officers, or to appoint regimental musters, not less than 50 nor more than 200 dollars.

10 Rev. Code, vol. 2, ch. 36, sec. 27, pa. 49. Officer summoned to attend a court martial as a witness may be cashiered or fined not exceeding six months pay: and non-commissioned officer or private failing, may be fined in like manner.

11 Sec. 53, pa. 55. Fines and penalties incurred by infants and apprentices, to be paid by the parent, guardian or master.

12 Sec. 46, pa. 54. Commanding officer of battalion failing to appoint patrols, 20 dollars; sergeant failing to notify privates, 3 dollars; and privates failing to attend on patrol, 1 dollar.

13 Rev. Code, vol. 2, ch. 131, sec. 18, pa. 165. Clerks of courts of enquiry failing to furnish the sheriff, &c with a list of fines, or to certify the list to the auditor, forfeit 50 dollars for every failure.

14 ☞ How fines may be remitted—See Rev. Code, vol. 2, ch. 36, sec. 30, pa. 50.

15 ☞ Appropriation of fines—Ibid, sec. 37, pa. 52.

MILLS.

No. 1. Rev. Code, vol. 2, ch. 100, sec. 2, pa. 126. Millers not grinding well and in turn as the grain is brought to the mill, or taking more than the legal toll, (viz. one-eighth part for meal and one-sixteenth for hominy) forfeit $2 50 cents for each offence —To the party grieved. If servant or slave, ten lashes for the first offence, and twenty for the second, and upon a third conviction the master to pay $2 50 cents: *Provided* that every owner of a mill may grind for the consumption of his own family at any time; and no miller shall be compelled to run more than one pair of stones for the purpose of grinding grain brought to his mill, for the consumption of those bringing the same and their families.

2 Rev. Code, vol. 1, ch. 105, sec. 10, pa. 198. Millers failing to keep sealed measures forfeit $2 50 cents for every failure: If the miller be a servant or slave, his master shall be liable——To the informer.

3 Sec. 11, pa. 199. Not to keep hogs unenclosed at a mill, unless the owner have fifty acres of land adjoining, under penalty of forfeiting them to the proprietor of any adjacent land.

MULATTOES.

See slaves, free negroes and mulattoes.

NEGROES.

See slaves, free negroes and mulattoes.

NEWS—*See false news.*

OATHS.

Rev. Code, vol. 1, ch. 57, pa 55. No person shall have power to act in any office, legislative, executive or judiciary, without taking the oath of allegiance, and such particular oath as may be prescribed to be taken for each office.

For the oaths of particular officers, see the respective heads.

OFFICES—*Buying and selling.*

Rev. Code, vol. 1, ch. 60, pa. 57. To bargain and sell an office or deputation thereof, or directly or indirectly to receive or agree to receive any fee or reward for an office, or for voting for an office or deputation which concerns the administration of the executive government, or the administration or execution of justice, or the receipt or payment of

the public revenue, or the clerkship of any court of record, renders the offender incapable of appointing or voting for, or holding the office, and subjects him to an amercement and imprisonment at the discretion of a jury; and if a member of the general assembly, he shall be expelled, and forever after be incapable of a re-election.

ORDINARIES.

No. 1. Rev. Code, vol. 1, ch. 107, sec. 3, pa. 203. Every member of the court failing to fix tavern rates twice a year, forfeits 15 dollars.

2 *Ibid.* Every ordinary keeper failing to set up a copy of the rates fixed by the court, and attested by the clerk, within one month thereafter, in some public entertaining room, not above six feet from the floor, shall not be entitled to demand payment for any rated article, and shall be subjected to a penalty of seven dollars.

3 *Ibid.* If any ordinary keeper shall demand and take a greater price for any article than it is rated at by the court, he shall forfeit 12 dollars for every offence.——The penalties in the above three cases to the informer, or any person who will sue.

4 Sec. 4, pa. 203. A person opening a tavern or selling any liquors without license, forfeits 30 dollars——Towards lessening the county levy. (Sec. 5.) For a second conviction, the party to be imprisoned for 6 months without bail or mainprize.

5 Sec 12. pa. 204. Selling liquor to a sailor in actual pay on board any vessel, or harboring or entertaining such without license from the captain, subjects the ordinary keeper to a penalty of two dollars for every offence——To the master of the vessel.

6 Sec. 15, pa 204. Penalties in this act not particularly appropriated, are one half to the commonwealth, the other to the informer.

☞ *For offences by tavern keepers, in relation to gaming, see title* GAMING.

OVERSEERS OF THE POOR.

No. 1. Rev. Code, vol. 1, ch. 102, sec. 2, pa. 180. Overseer of the poor refusing to serve without a reasonable excuse, forfeits 30 dollars——One half to the informer, the other to the overseers of the poor, to the use of the poor—Rev Code, vol. 1, ch. 102, sec. 34, pa. 185.

2 Sec. 20. Each overseer of the poor, as well their clerk, subject to a penalty of two dollars, for failing to attend their annual meeting, unless prevented by sickness or unavoidable accident——To the same.

3 Sec. 22 Overseers of the poor of each district failing to settle their accounts with the court annually, respectively forfeit one hundred dollars——All fines hereafter inflicted under any penal law for the use of the poor, to be paid by the sheriffs to the overseers of the poor——*Ibid*, sec. 36, pa. 186.

4 Sec. 26, 31, 32. Vagrants may be apprehended and hired out to labor, not exceeding three months.

5 Sec. 23, & Rev. Code, vol. 2, ch. 50, sec. 3, pa. 76; *Ibid*, ch. 66, pa. 92. Reputed father of a bastard child to be bound in a recognizance of not less than 50 nor more than 200 dollars, for his appearance at court; and on failure to enter into a recognizance before the court, he shall be committed to prison, without bail or mainprize till he shall comply.—On forfeiture of recognizance, to the overseers of the poor.

6 Rev. Code, vol. 2, ch. 75, sec. 3, pa. 103. Overseers of the poor, taking charge of donations heretofore under the controul of vestries, to account annually, or oftener if required, with the court, under the penalty of one hundred dollars; and the overseer retaining any money collected under this law, to pay not exceeding five per cent. per month.

OYSTERS.

Rev. Code, vol. 2, ch. 26, pa. 28. Any person burning oysters for the purpose of obtaining lime therefrom, or for any other purpose, by which the quantity of oysters will be wasted or destroyed, forfeits $ 10 for every offence. One half to the informer, the other to the overseers of the poor.

PATROLES.—*See Militia, No.* 12.

Rev. Code, vol. 1, ch. 272, sec. 1, pa. 406. May be ordered out by a magistrate; and the officer failing to attend and do his duty, forfeits three dollars, and the patrole one dollar——To be recovered and applied as other militia fines.

PEDLARS.

No. 1. Rev. Code, vol. 1, ch. 234, sec. 2, pa. 330. Hawker or pedlar offering for sale any goods, without having first obtained a licence, forfeits twenty dollars——One moiety to the informer, the other to the commonwealth.

2 Rev. Code, vol. 2, ch. 85, sec. 2, pa. 111; Rev. Code, vol. 1, ch. 243, sec. 3, pa. 387; *Ib.* ch. 255, sec. 3; *Ib* ch. 285, sec. 3, pa. 415. Each hawker and pedlar to obtain a licence; commissioners of the revenue to report such as neglect, and the court to order process.

3 Rev Code, vol. 2, ch. 85, sec. 3, pa. 111, and Rev. Code, vol. 1, ch. 255, sec. 4, pa. 396. Each hawker and pedlar to enter on record in each county, his licence; and on failure, to be liable to the same penalty as if he had none. Clerk of the court to keep constantly stuck up, in some public place in the court-house, a list of pedlars' licences, under penalty of fifty dollars, and the same penalty for failing to return a list to the auditor.

PENITENTIARY.

Rev. Code, vol. 1, ch 200, sec. 41, pa. 362. Keeper of the penitentiary, his deputies and assistants, suffering a prisoner to escape without their knowledge, forfeit thirty dollars——One half to the informer, the other to the commonwealth.

PERJURY And SUBORNATION of PERJURY.

No. 1. Rev. Code, vol. 1, ch. 48, sec. 1, pa. 46. A person convicted of subornation of per-

jury, to pay a fine not exceeding £200, and be imprisoned, &c.

2 Sec. 2, pa. 47. Any person convicted of wilful perjury, to pay a fine not exceeding £100, besides imprisonment, &c.

3 Ch. 17, sec. 10, pa. 21 Voter at an election of delegates or senators, swearing or affirming falsely as to his qualification, to be deemed guilty of perjury

4 Ch. 66, sec. 50, pa. 82. Swearing falsely to obtain writs of *certiorari*, punishable as wilful and corrupt perjury. *See Gaming.*

5 Ch. 128, sec. 6, pa. 243 Exporter of beef, pork, tar, pitch or turpentine, taking a false oath as to the identity of the barrels and their contents, to be punished as for perjury

6 Ch. 135, sec 41, pa. 267, 268. Taking a false oath in order to obtain a duplicate of a tobacco note, perjury.

7 Ch 256, pa. 397. Perjury to take a false oath before a clerk in those cases in which he is authorised to administer oaths.

8 Rev Code, vol. 2, ch. 7, sec. 3, pa. 4 A person taking a false oath before a notary public, shall be subject to the like penalties, forfeitures and disabilities as for wilful and corrupt perjury.

9 Ch. 39, sec. 5, pa. 63. To take a false oath as to property in bank shares, on which the party votes either by self or proxy, perjury

10 Ch. 67, sec. 2, pa 94. Same before a master commissioner in chancery.

PILOTS.

No. 1. Rev. Code, vol. 1, ch. 287, sec. 8, pa. 418. A person undertaking the business of a pilot without a sufficent boat, though he may have received a branch, forfeits 150 dollars——To any person who will sue.

2 *Ibid.* For piloting without having obtained a branch, the penalty is thirty dollars, to be recovered as above. Not to extend to giving assistance to a vessel in distress, so as the same is delivered up to the pilot who shall offer to take charge of her, for which such assistant shall be entitled to half the legal fees.

3 Sec. 9, pa. 418. Not more than four persons shall be in partnership as pilots, under penalty of 100 dollars each——To be recovered as above.

4 Sec. 13, pa. 418. Any pilot losing a vessel by negligence, shall be suspended by the examiners for six months, and be liable to the action of the party injured, for all damages occasioned thereby.

5 Sec. 20, pa. 420. Any pilot refusing, upon application, to conduct a vessel, may be suspended by the board of examiners as long as they may deem proper, and shall be liable for all damages. To the party injured.

6 Sec. 26, pa. 420. Pilot demanding or receiving more than the legal fees, forfeits double the sum received——To the master of owner of the vessel.

PITCH—*See Pork, &c.*

POOR—*See Overseers of the Poor.*

PORK, BEEF, TAR, PITCH and TURPENTINE.

No 1. Rev. Code, vol. 1, ch. 128, sec. 2, pa. 242 Any inspector of those articles failing to perform his duty, or stamping any barrel contray to law, shall forfeit for each barrel of pork or beef, four dollars; and for each barrel of tar, pitch or turpentine, one dollar; and the same for each neglect of duty——To the informer.

2 Sec. 4, pa. 243. Any person exposing to sale or barter, any barrel of the above articles, not of due weight or measure, forfeits four dollars for each barrel of pork or beef, and 1 dollar for each barrel of tar, pitch or turpentine——To the informer.

3 Sec. 6 pa. 243. Seller or exporter to take an oath as to the identity of the several barrels, that they are the same that were inspected, and contain the full quantity; for taking a false oath the party to be punished as for perjury and moreover forfeit one hundred and fifty dollars. To any person who will sue.

4 Sec. 7, pa. 243. Every cooper liable to a penalty of forty-two cents for every barrel made for pork, beef, tar, pitch or turpentine, which is not stamped or branded, or of less contents than prescribed by law.

POST DATE—*See accounts.*

POWERS OF ATTORNEY FOR CONFESSING JUDGMENTS.

See attornies at law No 4.

PRETENSED TITLES.

Ch. 30, pa. 37. A person conveying or taking any pretense title to land, unless the person conveying, or those under whom he claims has been 12 months next before in possession, forfeits the whole value of the land——One moiety to the commonwealth, the other to him who will sue for himself and the commonwealth.

PRISONERS—*See escapes.*

PROCESSIONING.

Ch. 86, sec 57, pa. 150. Every justice of a court failing to make the necessary orders relating to processioning, shall forfeit 25 dollars; any freeholder appointed a processioner and failing to execute his duty, forfeits 15 dollars; and every clerk failing to perform his duty as directed by law, forfeits 20 dollars, Sec. 58. Any other person failing to perform his duty without a reasonable excuse, forfeits 15 dollars——One moiety to the use of the poor, the other to the informer—See sec. 58–59.

PROFANE SWEARING.

Rev. Code. vol. 1, ch. 138, sec. 1, pa. 275 If a person shall profanely swear or curse, or shall get drunk, he shall forfeit for every offence 83 cents.

QUARANTINE.

No. 1. Rev Code, vol. 1, ch. 129, sec. 2, pa. 244. Penalty for permitting intercourse with a vessel on board of which there are infected persons, 1500 dollars for every offence——One moiety to the commonwealth, the other to the informer.

2 Sec. 5, pa. 244. Master of a vessel coming from a place infected and concealing it, or not giving true answers to the questions propounded, forfeits 1500 dollars——To the same.

3 Sec. 6 Refusing to deliver to the officer authorised to see quarantine performed, bills of health and manifests, and his log-book and journal; or refusing to repair to the place appointed, or escaping before quarantine performed, forfeits 1500 dollars——To the same.

4 Sec. 8, pa. 245. A person appointed to execute an order concerning quarantine, guilty of a wilful breach of duty, forfeits 3000 dollars. A person embezzling or wilfully damaging goods performing quarantine under his direction, forfeits treble the value of the damages sustained—To the party injured.

5 Sec. 9, pa. 215. A person authorised to see quarantine performed, or a watchman upon any vessel, &c. under quarantine, deserting his duty, or permitting a person, vessel or goods to depart or be conveyed away before quarantine performed, forfeits 300 dollars——One moiety to the commonwealth, the other to the informer.

REGISTER OF THE LAND OFFICE.

Rev. Code, vol. 1, ch. 86, sec. 51, pa. 149. If the register fails for six months, to account according to the directions of the law, he shall forfeit 10,000 dollars

RELIGIOUS WORSHIP.

No. 1 Rev. Code, vol 1, ch. 138, sec 3; pa 276. No officer to arrest a minister of the gospel while performing religious worship, while publicly preaching or performing religious worship in any church, meeting-house or other place of religious worship, under pain of imprisonment and amercement at the discretion of a jury, and of making satisfaction to the party arrested.

2 Sec. 4, pa. 276. Any person maliciously or contemptuously disturbing any congregation, assembled in any church, meeting-house or other place of religious worship, or misusing any minister being there, may be put under restraint during such religious worship by any justice present, or by warrant from another; may be bound in a recognizance to appear at the next court, or committed to prison in default thereof, and upon conviction shall be further punished by imprisonment and amercement at the discretion of a jury.

RENTS.

No. 1 Rev. Code, vol. 1 ch 89, sec. 4, pa 154. A person making distress and sale, for rent pretended to be in arrear, which in truth is not due, shall be liable to pay double the value of the goods so distrained and sold——To the party injured.

2 Sec. 5 Upon pound breach or rescous, the offender shall pay treble damages and costs——To the same.

3 Sec. 15-16, pa. 155. In replevin the plaintiff shall pay double the value of the rent and costs, if he is cast——To the same.

4 Sec. 24, pa. 156. Any person taking a distress who drives it out of the county; or taking an unreasonable distress, shall be amerced at the discretion of a jury.

RIOTS, ROUTS AND UNLAWFUL ASSEMBLIES.

No. 1 Rev Code, vol. 1, ch. 28, sec. 1, pa. 35. Persons convicted in presence of justices to be amerced at the discretion of a jury——To the commonwealth.

2 Sec. 2. Jurors failing to attend the summons of the sheriff, forfeit £5, each——To the same.

3 Sec. 2. Sheriff, &c. making default in summoning an inquest, forfeits £20——To the same.

4 Sec. 3. Justices, sheriffs, &c failing to certify to the general court, any maintenance, embracery, partiality or misbehavior of the jury, with the names of the maintainers or embracers, forfeit £20 each——To the same.

5 Sec. 3. Such trespassers and offenders, being found guilty, shall be amerced at the discretion of a jury——To the same.

6 Sec. 4. Justices, sheriff, sergeant, &c. failing to do execution of this act, forfeit £20 each——To the same.

RIVERS AND CREEKS.

Rev. Code, vol 1, ch. 105, sec. 16, pa. 200.—Whosoever shall fell any tree into a river, creek or run, or cause it to be done, whereon is erected any public bridge, and shall not remove it within 48 hours, shall forfeit $ 2 50 cents——To the informer.

ROADS.

No. 1 Rev. Code, vol. 1, ch 19, sec 4, pa. 27. Tithables failing to attend with proper tools to work on a road when required by surveyor (except the owner of two or more male laboring slaves) to pay 7s 6d each——One moiety to the county, the other to the informer—Sec. 11.

2 Ch. 219, pa. 372. Clerk of court failing to deliver to surveyor a copy of his appointment, within ten days thereafter, forfeits 5 dollars——The same.

3 Sheriff failing to deliver a copy to the surveyor before the next court, forfeits 5 dollars——The same.

4 Ch. 19, sec. 5, pa. 27. Clerk failing to fix up in his courthouse, once in every year, a list of the names and precincts of surveyors, forfeits 50 shillings——The same.

5 Ch. 19, sec. 6. Surveyor failing to keep his road in good order and 30 feet wide at least; or to set up sign posts at forks or cross roads; or to make bridges or causeways where necessary, 12 feet wide at least, forfeits 15 shillings for each neglect——The same.

6 Sec. 9, pa. 28 If any person shall fell a tree into a public road, or stream of water on which a public bridge is erected, and fails to remove it within 48 hours; or shall kill a tree within the distance of 50 feet of the road, or cut, pull up or deface any sign-post, he shall be guilty of a nuisance and forfeit £10. Where a fence is made across a road, the owner or tenant shall pay 10 shillings for every 24 hours——The same.

7 Sec. 10. Owner or occupier of a mill, over the dam of which a public road passes, failing to keep a road & bridge in good order, 12 feet wide, forfeits 10s for every 24 hours——The same.

8 Sec. 11. If there is no evidence to convict the offender but the informer's, the whole penalty goes to the county.

RUNAWAYS.

Rev. Code, vol. 1, ch. 131, sec. 7; pa. 246-247. Any sheriff, sergeant or jailor who shall demand or take more than the legal fees for committing, releasing and dieting runaways, shall forfeit 4 dollars for every offence; and pay back all the money received over the legal rates.——To the party grieved.

SABBATH BREAKING.

Rev. Code, vol. 1, ch. 138, sec 5, pa. 276. Any person on a sabbath day, being found laboring at his own or any other trade or calling, or who shall employ his apprentices, servants or slaves in labor or other business, except in the ordinary household offices of daily necessity, or other work of necessity or charity, shall forfeit $ 1 67 cents for every offence.

SABBATH DAY.

Rev Code, vol. 1, ch. 305, sec. 3, pa. 432. A person dealing with a slave on the sabbath day, forfeits ten dollars in addition to the other penalties; which are four times the value of the article, and moreover the sum of twenty dollars—(Rev. Code, vol 1, ch. 103, sec. 16, pa 188)—The value of the articles to the master or owner of the slave, the other penalty to any person who will sue.

SAILORS.

Rev. Code, vol. 1, ch. 107, sec. 11-12, pa. 204. No tavern keeper to sell any liquor to sailors in actual pay on credit, on pain of not being entitled to recover the amount, and of having his prosecution dismissed with double costs. Or for selling in like manner, or harboring or entertaining any such sailor without licence from the master of the vessel he shall pay two dollars for every offence——To the master or owner of the vessel.

SEDITIOUS SPEECHES OF SLAVES.

See slaves, &c. No. 5.

SEINES.

Rev. Code, vol. 2, ch. 48, sec. 1. pa. 75 No person shall haul any seine below the mouths of the different rivers in this commonwealth, between the 15th of May and 15th of August in any year, under the penalty of ten dollars for every act of hauling——To any person who will sue.

SERVANTS.

No. 1. Rev. Code, vol. 1, ch. 103, sec 50, pa. 192. Master of a ship or other vessel carrying a servant out of the commonwealth without the permission of the owner, forfeits 150 dollars——One moiety to the commonwealth, the other to the owner.

2 Rev. Code, vol. 1, ch 132, sec. 4, pa. 247. Servant being lazy, disorderly, or guilty of misbehavior to his master or mistress, or in his master's family, to be corrected by stripes, by order of a justice; or refusing to work shall be compelled thereto in like manner, and moreover shall perform two days' service for every one he shall have refused to serve, or otherwise had lost; and all expenses incurred by the owner for apprehending and bringing home any absconding servant, to be repaid by further service at such rates, as the court of their county or corporation shall prescribe.

2 Sec. 5, pa. 247. If a master fail in the duties prescribed by law in relation to his servants, it may be redressed on motion to the court, by immediate discharge from service, or by a specific order for a change in demeanor.

3 Sec. 7. pa. 248. Master putting away a lame or sick servant who becomes chargeable to the county, shall forfeit $30——To the overseers of the poor.

4 Sec. 10, pa. 248. If a person deals with a servant without the consent of the master or owner, he shall pay to such master or owner four times the value of the article; and moreover forfeit to any person who will sue, $ 20.

5 Sec. 12, pa. 248. Any person harboring or entertaining a servant without a certificate of freedom, shall forfeit one dollar for each day——To the owner or master. Any person forging a certificate for a servant, shall forfeit $30——One moiety to the commonwealth, the other to the owner.

SHERIFFS—*See riots, route, &c.*

No. 1 Rev. Code, vol. 2, ch. 34, sec. 1, pa. 37. Sheriff or sergeant failing to obey a warrant for summoning a called court for the trial of a criminal, or to return it with an indorsement of the manner in which it is executed, forfeits 100 dollars—*See jurors No. 4*——To the commonwealth.

2 Rev. Code, vol. 1, ch. 80, sec. 1-2, pa. 120. If the court of any county fails to nominate three persons in the commission of the peace, annually in the month of June or July, one of whom to be commissioned by the governor for sheriff, every justice so neglecting forfeits $ 200.

3 Sec. 3. If the person appointed sheriff fails to give bond and security within two months after his appointment, the clerk of the court shall within one month thereafter transmit to the governor a certificate of such failure, under the penalty of $ 300.

4 Sec. 13, pa. 122. Every sheriff or collector who shall receive from any person any officer's fees, dues, taxes, county levies or poor rates, shall deliver to the person paying a distinct account and receipt for the same, under the penalty of 4 dollars for each offence——To the person by whom the payment was made.

5 Sec 14. Every sheriff by himself or deputy, thall execute all writs and other process to him lawfully directed, and make due return thereof, under the penalty of 20 dollars for each failure. And for every false return the sheriff shall forfeit 60 dollars——One moiety to the governor for the contingent charges of the government, the other to the party grieved.

6 For fines and forfeitures on sheriffs, &c. in relation to executions in behalf of the commonwealth, see Rev. Code vol. 1, ch. 84, sec. 25, 26, 27, 29, 32, 33, pa. 138.

7 Ch. 87, sec. 5, pa. 152. Sheriff failing to execute process respecting forcible entries, forfeits 80 dollars—See forcible entry and detainer No. 2.

8 Rev. Code, vol. 2, ch. 15, sec. 4, pa. 13. Sheriff failing to take bail on executing a capias on a person convicted of gaming, forfeits $ 500—See gaming No. 15.

9 Ch. 21, sec. 2, pa. 33. Sheriff or sergeant failing to attend commissioners of election of a president and vice-president and to perform his duty as prescribed by the act, forfeits $ 300——To any person who will sue.

10 Rev. Code, vol. 1, ch. 102, sec. 12, pa. 182. Sheriff or sergeant refusing to undertake the collection of the poor rates when appointed by the overseers of the poor, forfeits $ 150——For the use of the poor.

11 Ch. 106, sec. 8. Any sheriff failing to perform the duties enjoined on him by law, in relation to the small pox, forfeits 300 dollars——One half to the informer, the other to the commonwealth.

12 Ch. 151, sec. 51, pa. 305—ch. 176. sec. 8, pa. 325—and ch. 249, pa. 390. Penalty on sheriffs, under-sheriffs and their securities for not paying money on executions, or failing to return them, or forthcoming bonds.

13 Ch. 200, sec. 21, pa. 358. Sheriff or sergeant failing to convey and safely deliver a prisoner to the penitentiary, forfeits $ 100——One half to the county or corporation, the other to the person suing

14 Rev. Code, vol. 1, (app. ch. 5, sec. 3) pa 453. No sheriff to purchase land sold for the benefit of the commonwealth, which had been purchased on a sale for the non-payment of taxes, under penalty of $ 300——One half to the informer, the other to the commonwealth.

SHOOTING.

No. 1 Rev. Code, vol. 1, ch. 88, sec. 1, pa. 152. If any person shall shoot, hunt or range upon the lands or tenements, or fish or foul in any creek or waters included within the bounds of any other person, without license from the owner of

the land, he shall forfeit 3 dollars for every offence——To the informer, except where the conviction is upon the evidence of the owner and then to the use of the poor of the district wherein the offender resides.

2 Sec. 2, pa. 153 Upon a third conviction the offender shall be bound to his good behavior, and in default of entering into a recognizance with sufficient security shall be committed to prison till the expiration of one month—And a repetition of the offence shall be a breach of the recognizance.

SLAVES, FREE NEGROES AND MULATTOES.

No. 1. Rev. Code, vol. 2, ch. 69, sec. 1, pa. 95. Slaves brought into this state to be forfeited——To the overseers of the poor. (Cases excepted, Rev. Code, vol. 2, ch. 99, pa. 125.)

2 Ch. 69, sec. 8, pa. 97. Person bringing slaves into this state contrary to law; or selling, buying or hiring such, knowing them to have been brought in contrary to the provisions of this act, forfeits 400 dollars each——To the commonwealth.

3 Sec. 10, pa. 97. Emancipated slave remaining twelve months in this state after right to freedom accrued, forfeits that right.

4 Rev. Code, vol 1, ch. 103, sec. 8-9, pa. 187 and vol. 2, ch 83, pa. 106. Penalties on negro or mulatto, bond or free, for carrying any gun, powder shot or offensive weapon——To be forfeited to the informer.

5 Rev. Code, vol. 1, ch. 103, sec. 11, pa. 187. Riots, seditious speeches, &c. in slaves, to be punished by stripes.

6 Sec. 12, pa. 187. Master, mistress or overseer permitting a slave belonging to another, to remain on his or her plantation above four hours at a time, shall forfeit three dollars for every offence; or for suffering more than five slaves other than their own to remain on their plantation at any one time, forfeits one dollar for each slave above that number——To the informer.

7 Sec. 14, pa. 188. White person found at an unlawful meeting of slaves, forfeits 3 dollars——To the informer.

8 Ch. 222, sec. 2, pa. 374. All free persons convicted of harboring a slave, forfeit ten dollars——To the informer.

9 Ch. 103, sec. 15, pa. 188. Every justice failing to suppress an unlawful meeting of slaves, forfeits 8 dollars; and every sheriff or other officer failing to use his endeavors to suppress the same and bring the offenders before a justice, forfeits a like sum; and every under-sheriff, sergeant or constable knowing of such meeting, failing to perform his duty and apprehend the persons so assembled, forfeits four dollars——To the informer.

10 Sec. 16, pa. 188. Penalty for dealing with a slave without consent of master or owner, four times the value of the article, and moreover the sum of twenty dollars: And ch. 305, sec. 3, pa. 432. Additional penalty of ten dollars for dealing on a Sunday——To the master or owner, as to the value of the articles—to any person who will sue for the other penalty.

11 Rev. Code, vol. 1. Ch. 305, pa. 432. Additional penalties on masters of vessels suffering slaves to come on board or dealing with them—Increased to 200 dollars in addition to former penalties, by vol. 2, ch. 60, sec. 3, pa. 84——One third to the owner, one third to the informer, and one third to the overseers of the poor.

12 Ch. 103 sec. 25, pa. 189. Master or owner of a slave, licencing such slave to go at large and trade as a freeman, forfeits thirty dollars for each offence——To the overseers of the poor.

13 Sec. 25, pa. 189. Penalty for suffering slaves to go at large and hire themselves out.—Amended ch. 283, pa. 412. Further amended and additional penalties, vol. 2, ch. 119, pa. 147——The fine for the use of the poor of the county—The price of the slave, if sold, otherwise appropriated; see sec. 3 of ch. 283, pa. 412.

14 Rev. Code, vol. 1, ch. 103, sec. 39, pa. 191. Person emancipating a slave, failing to deliver to such slave a copy of the instrument of emancipation, forfeits 30 dollars——One half to the person who will sue, the other to the person to whom the copy should have been delivered.

15 Sec. 44, 45, pa. 191. Widows possessed of slaves in right of dower, removing them, or voluntarily permitting them to be removed out of the state, without the consent of those in reversion, forfeit the slaves, as well as all the other dower held of her husband's estate: and a man marrying such widow, for a like offence forfeits to the reversioner, all the estate held in right of dower of his wife, to be held during the life of such husband.

16 Sec. 50, pa. 192. Penalty on masters of vessels for carrying a slave out of the state: Additional penalties and regulations, ch. 222, sec. 6, 7, pa. 374, 375: Further penalties on any person, vol. 2, ch. 60, pa. 84, viz. a fine not less than 100 nor more than 500 dollars, and imprisonment in the penitentiary, for not less than two, nor more than four years; and moreover shall pay the owner double the value of the slave, and double the costs and expenses incurred in regaining or attempting to regain the slave.

17 Rev. Code, vol 1, ch. 163 sec. 3, pa. 315. Persons harbouring or employing any negro or mulatto, not having a certified copy of their register, forfeit five dollars——To the owner; if none, to the informer.

18 Sec. 5, 6 Same penalty in case of free negroes and mulattoes——To the informer.

19 Rev. Code, vol. 1, ch. 164, sec. 1, pa. 316. Free negro or mulatto migrating into this state, or brought here, to be sent out by a magistrate at the expense of the importer.

20 Sec. 2, 3. Master of a vessel or others bringing a free negro or mulatto into this state (except employed on board their vessel) forfeit £100—One half to the commonwealth, the other to the informer

21 Ch. 189, sec. 3, pa. 347. Person aiding, abetting or maintaining a slave to prosecute for freedom, who shall not establish it, forfeits one hundred dollars for each slave——To the owner, or person who will prosecute.

22 Sec. 5, pa. 347. Forging certificate of emancipation, subjects the offender to a fine of two hundred dollars, and one year's imprisonment, without bail or mainprize.

23 Rev. Code, vol. 1, ch. 283, sec. 5, pa. 413. Commissioner of the revenue failing to return annually, when he returns a list of taxable property, a complete list of free negroes and mulattoes within his district, with their names, sex, places of abode, and particular trades or calling; and the clerk of the court failing to fix up a copy of such

list at the courthouse door, and to deposit the orignal in his office forfeit for each offence twenty dollars——One half to the use of the county or corporation, the other to the person who will sue.

24 Rev. Code, vol. 2, ch. 33, pa. 36; amended by ch. 51, pa. 77. The names, ages, and sexes of all slaves allotted to a widow for dower, or devised to her for life in lieu thereof, or held by any person for his or her life only, or the life of any other person or persons, shall by such tenant for life, or if he or she be an infant, by his or her guardian, be registered with the clerk of the county wherein he or she resides, within sixty days after coming to the possession of such slave or slaves, under the penalty of fifty dollars for each slave; and the increase of such slaves shall within the like time from their births, under the same penalty be registered in like manner——To the party aggrieved.

25 Rev. Code, vol. 2. ch. 35, pa. 39; amended by ch. 47, pa. 74. Any person refusing to aid and assist an officer, to whom a warrant shall be directed by a justice, for the purpose of suppressing an unlawful meeting of slaves, shall be fined at the discretion of such justice not exceeding ten dollars.

SMALL POX.

No. 1. Rev. Code, vol. 1, ch 106, sec. 1, pa. 200. Any person wilfully bringing into this state the small pox, or any variolous or infectious matter of the said distemper with a view to inoculate or propagate the distemper, shall forfeit 300 dollars for every offence——One moiety to the informer, the other to the overseers of the poor.

2 Sec. 4, pa. 200. A person removing from the house where he has had the small pox, or going into the company of those who have not had it, or going into a public road where travellers usually pass, without retiring and giving notice upon the approach of a passenger, until such person hath recovered and been so well cleansed in his person and clothes as to be perfectly free from infection, forfeits 7 dollars for every offence——One half to the informer, the other to the commonwealth, or the whole to the commonwealth if the prosecution shall be first instituted on the public behalf alone. Sec. 11, pa. 202.

3 Sec. 5, pa. 201. Every person undertaking inoculation for the small pox at any house, shall cause an advertisement to be put up at the nearest public road, or other most notorious adjacent place, giving information that the small pox is at such house, and shall continue it as long as any danger of infection remains, under penalty of 7 dollars for every day it shall be omitted—And failing to see that every patient is sufficiently cleansed in his person and clothes and to give him a certificate thereof, and that he is free from all danger of spreading the infection, forfeits ten dollars for every offence——To the same.

4 Sec. 8, pa. 201. Any sheriff, mayor or chief magistrate failing to perform the duties enjoined on him, forfeits 300 dollars—and every other magistrate, 20 dollars——To the person aggrieved

5 Sec. 9, pa. 201. Any person inoculating for the small pox without licence, according to law, or failing to conform to the rules and regulations prescribed by the justices, forfeits 300 dollars for every offence—One moiety to the informer, the other to the overseers of the poor.

6 Sec. 10. Every person wilfully endeavoring to propagate the small pox without inoculation, or by inoculation in any other manner than allowed by law, is subject to a penalty of 1500 dollars, and six months imprisonment without bail or mainprize——The penalty to go as in No. 2.

STOLEN GOODS.

Rev. Code, vol. 1, ch. 109, sec. 4, pa. 206. Every person buying or receiving stolen goods, knowing them to be stolen, may be prosecuted for a misdemeanor, and punished by fine and imprisonment, although the principal be not before convicted.

SUNDAY—*See sabbath breaking and slaves No* 10.

SURVEYORS of HIGHWAYS—*See roads.*

SURVEYORS OF LAND.

No. 1. Rev. Code. vol. 1, ch. 86, sec. 9, pa. 143. Every principal surveyor shall reside in the county whereof he is surveyor, under the penalty of 600 dollars for every month's absence, unless detained by such business as the court shall deem a reasonable excuse——One moiety to the commonwealth, the other to the informer.

2 Sec. 18, pa. 144 Every surveyor shall, under the penalty of 15 dollars, express on each plat, the true variation of the magnetic needle, whether east or west——To the party injured. See sec. 20.

3 Sec. 26, pa. 145. Any surveyor, whether principal or deputy, failing in any of the duties of his office, may be indicted in the court of his district, and punished by amercement or deprivation of his office, at the discretion of a jury; besides being liable to the action of the party injured.

4 Sec. 28. Any surveyor or other person refusing to produce the book of entries and surveys to the persons appointed by the court to examine the same; or to deliver them to a succeding surveyor, shall forfeit 30 dollars——One half to the use of the county, the other to the person suing.

5 Sec. 29. Any surveyor who shall deliver at any time within 12 months after the survey made, any certificate, copy or plat of land by him surveyed, unless to the person for whom it was surveyed, or to his order; or unless in the case of a *caveat*, shall forfeit 100 dollars for every 100 acres included in the survey; and be liable to the action of the party injured.

6 Sec. 55, pa. 149. On the division of a county, the surveyor of the old county, shall

make out and deliver to the surveyor of the new, attested copies of all entries of land made with him and not surveyed, within one month after the division, under the penalty of 150 dollars——To any person who will sue.

SWEARING—*See profane swearing.*

TAR.

See pork, beef, pitch, tar and turpentine.

TAVERNS—*See ordinaries.*

TAXES.

No. 1. Rev. Code, vol. 1, ch. 83, sec. 18, 19, pa. 130 A person delivering a false or fraudulent list of taxable property to a commissioner, or refusing to give a list, liable to a fine of 15 dollars and a triple tax assessed upon the best information that can be obtained——The fine towards lessening the county levy, after an allowance to the commissioner for his extraordinary trouble; the triple tax to the commonwealth.

2 Ch. 242, sec. 2, 3. 5, pa. 385, amended by ch. 255, sec. 4, pa. 397. Clerk of court to pay the tax on law process into the treasury on or before the 15th of December in every year; and until he obtains a quietus for the said taxes, he shall not be entitled to receive any money from the treasury, or to recover any fees of the sheriff by motion or otherwise; and shall forfeit 500 dollars for every year he shall fail to make such payment, and shall be liable to be displaced from office by the general court; and the auditor shall publish the names of delinquent clerks, with extracts from this law for two months successively in the public papers.

TITHABLES.

No. 1. Rev. Code, vol. 1, ch. 134, sec. 5, pa. 251. Master or owner, or in case of his absence or non-residence, the overseer failing to give in a list of tithables, forfeits ten dollars for every tithable not given in; and commissioner of the revenue failing to list his own tithables, forfeits 20 dollars for each tithable omitted——One moiety to the county, the other to the informer.

2 Sec. 11, pa. 252. Each commissioner failing to take or return a list of tithables forfeits 40 dollars——As above.

3 Sec. 12, pa. 252. Any clerk of county court failing to publish in his courthouse the list of tithables, or to deliver to the collector of the county levies, the lists required to be delivered to him, forfeits 20 dollars——As above.

TOBACCO.

No. 1. Rev. Code, vol. 2, ch. 73, sec. 2, pa. 100. Inspectors, pickers and coopers of tobacco not to be concerned in the transportation of tobacco by water from their warehouses, under the penalty of 100 dollars for every hogshead; nor shall for themselves or others, purchase, sell, stem, manufacture, barter, lend or exchange any tobacco, under the penalty of ten dollars for every hundred——One half to the person who will prosecute, the other to the commonwealth—Sec. 7, pa. 102.

2 Sec. 2, pa. 101. Every inspector shall stow away and secure at night, every hogshead of tobacco inspected by him during the day, under penalty of ten dollars for every hogshead——To the same.

3 Sec. 3, pa. 101. Any person selling refused tobacco without a manifest, forfeits 100 dollars for each hogshead——To the same.

4 Rev. Code, vol. 2, ch 58, sec. 2 pa. 83. Whoever shall ship or otherwise send out of the state one or more hogsheads of refused tobacco, shall forfeit 400 dollars for every hogshead——One half to the informer, the other to the commonwealth.

5 Ch. 37, sec. 2, pa. 58, 59. No proprietor of a warehouse to be an inspector or commissioner; and those so appointed, shall thereby be disqualified; and acting after such disqualification, shall forfeit 500 dollars——One half to the informer, the other to the commonwealth

6 Sec. 6, pa. 59. Inspectors failing to settle with proprietors of warehouses for the rents, on or before the 10th days of April and October, forfeit 1000 dollars——To the proprietors.

7 Ch. 82, sec. 1, pa. 35. A person stemming or manufacturing tobacco without a licence, forfeits 100 dollars——To the commonwealth. And moreover ten dollars for every ten pounds of tobacco so stemmed or manufactured——One half to the informer, the other towards lessening the county levy. All the tobacco found in such stemmery or manufactory to be seized and sold, and the proceeds applied, one half to the informer, the other to the county or corporation levy.

8 Sec. 2. Tobacco manufactured and produced to an inspector without a manifest, to be seized by him and sold; and the money paid into the treasury.

9 Sec. 3. A person selling tobacco stemmed or manufactured, without the inspectors' certificate, is subject to the like penalty of ten dollars for every ten pounds of tobacco—— To be recovered as in No. 7.

10 Rev. Code, vol. 1, ch. 278, sec. 4, pa. 409. Every stemmer or manufacturer of tobacco, buying or receiving any tobacco from a negro, mulatto or Indian, (bond or free) shall forfeit five times the value of the tobacco so bought or received, and moreover be liable to be prosecuted as a receiver of stolen goods.

11 Ch. 207, sec. 3, pa. 365. Commissoners of warehouses failing to perform the duties required by law, may be displaced, or fined by the courts in such sum as they shall think proper——To the use of the commonwealth.

12 Sec. 4. Inspectors passing tobacco in casks over the legal gauge, forfeit five dollars for each offence.

13 Rev. Code, vol. 1, ch. 135, sec. 4, pa. 254. Proprietors of warehouses refusing to let them for the purposes of inspection, forfeit 1500 dollars.

14 Sec. 6. If any court shall fail or refuse to do their duty in directing warehouses, in-

nels and other conveniences, at the places established for new houses or additional buildings or repairs, as directed by law, every justice so failing or refusing shall forfeit one hundred dollars.

15 Sec. 10. pa 256. Justices failing or refusing to have scales and weights repaired, and made conformable to the standard, forfeit one hundred and fifty dollars.

16 Sec. 12, pa. 257. An inspector taking any fee or gratuity for resigning, forfeits six hundred dollars, and shall forever be disabled from holding such office; and every person giving any fee or gratuity for such resignation, shall forever be disabled from holding the said office of inspector.

17 Sec. 14. Clerk of county failing to transmit inspector's bond to treasurer, forfeits three hundred dollars: and the treasurer failing to move against every inspector failing to discharge the same within two months, forfeits three hundred dollars.

18 Sec. 14, pa. 258. Inspector executing his office without giving bond and taking the necessary oath, forfeits 2000 dollars.

19 Sec. 15. Failing to attend the warehouse, at the time prescribed by law, forfeits one dollar for each neglect, or may be sued for damages at the election of the party injured.

20 Sec. 16. Delivering receipts for tobacco, other than printed, and in the form prescribed by law, subjects the inspectors to a penalty of 300 dollars.

21 Sec. 17. Any picker refusing to pick tobacco, forfeits five dollars—To the owner.

22 Sec. 18. A person executing the office of picker of tobacco without being appointed and sworn, forfeits four dollars for every offence. To the informer. Not to extend to the proprietors, who may pick their own tobacco.

23 Sec. 19, pa. 260. Any inspector concerned as a partner with a picker, or receiving any gratuity from him, forfeits 2000 dollars. And every picker concerned as above, or taking more than the legal fees for picking, forfeits 300 dollars.——To the prosecutor.

24 Sec. 20, pa. 261. Every inspector refusing or delaying to pay the tobacco on demand, expressed in their receipts, shall forfeit double the amount thereof—To the party injured.

25 Sec. 21, pa. 261. Inspectors altering or changing any hogshead of tobacco delivered out, forfeit 150 dollars for each hogshead. And failing or refusing to deliver any hogshead of tobacco, when demanded for exportation, double the value of the tobacco—To the owner.

26 Sec. 23, pa. 262 Inspector delivering tobacco without an order from the proprietor, forfeits 150 dollars for each hogshead—To be recovered by the owner or proprietor. And for delivering fictitious notes for tobacco, the inspectors forfeit 20 dollars each hundred——To any person who will sue.

27 Sec. 26, pa. 263. Inspectors failing to account annually with the treasurer upon oath, for tobacco exported, forfeit 150 dollars.

28 Sec. 27, pa. 263. Commanding officer or skipper of a vessel, on board of which any uninspected tobacco shall be found, forfeits twenty dollars for every hundred weight—— Such commanding officer resisting the execution of a warrant to search for and seize uninspected tobacco, forfeits 600 dollars; and every sailor or other person so resisting, forfeits 80 dollars

29 Sec 29, pa. 254 Inspector endeavoring to influence voters, for members of the general assembly, forfeits 150 dollars for every offence.

30 Sec. 30, pa. 264. Inspectors receiving any gratuities other than their salaries and legal allowances, forfeit 300 dollars——To the informer. And the person offering the bribe, forfeits 60 dollars——One half to the inspector refusing the bribe, the other to the person who will inform and sue.

31 Sec. 39, pa. 267. Any person making a fire within a warehouse, or without doors within 100 yards of the warehouse, other than in the inspectors' counting room, squares or funnels, forfeits, if a free man, 30 dollars for every offence; to the informer. If a servant or slave, he shall receive 20 lashes, by order of a justice. No person to build a wooden chimney within 200 yards of a public warehouse, under penalty of having it pulled down by the sheriff.

32 Sec. 43, pa. 268. Any inspector taking or converting to his own use, any draughts or samples of tobacco, forfeits 4 dollars each. One moiety to the informer, the other to the owner of the tobacco.

33 Sec. 44, pa. 269 Inspector refusing to give a receipt for tobacco when brought to the warehouse, if demanded, forfeits four dollars——To the owner.

34 Sec. 45, pa. 269. Master, mate or boatswain of a vessel intending to load with tobacco, to take an oath that they will not take in any tobacco unless it be packed in hogsheads or casks, and stamped by some inspector legally appointed; and if the master of any vessel shall cause any person to come on shore, who is not really the mate or boatswain and take such oath, he shall forfeit 1500 dollars.

35 Rev. Code, vol. 1, ch. 131, sec. 46, pa. 269. If any person not being a servant or slave, shall take on board his boat or vessel, any tobacco in bulk or parcels, for the purpose of carrying it to or from any warehouse, such tobacco shall be forfeited, and may be seized by any person; and the master or skipper shall pay 50 cents for every pound; and the master or commander of every ship or vessel wherein any tobacco in bulk or parcel shall be found, shall be liable to the same penalty over and above the forfeiture. And a servant or other person employed in navigating any such boat, conniving at or concealing the taking on board such tobacco, shall forfeit 20 dollars; and if unable to pay

shall receive 39 lashes; and if such servant shall again be entrusted with the management of a boat and convicted a second time of taking in tobacco in bulk or parcels, the master or owner shall pay the like sum of 50 cents per pound; and also 2 dollars for every day such servant shall be employed on board such boat or vessel—Provisos in sundry cases.

36 Sec. 49, pa. 271. Masters of vessels failing to give in to the collector a manifest of tobacco when clearing out, forfeit $ 300 for every failure.

☞ Penalties by this act imposed, except where particularly appropriated, shall be one moiety to the commonwealth, the other to the informer.

TREASURER.

Rev. Code, vol. 1, ch. 85, sec. 11, pa. 141. If the treasurer divert or misapply any of the public treasure, he shall pay double the amount, and be rendered incapable of any office of profit or trust——To the commonwealth.

TREES.

See Roads, Rivers and Creeks.

TRESPASSES & MISDEMEANORS.

No. 1. Rev. Code, vol. 1, ch. 74, sec. 24, 25, 26, pa. 105. In every information or indictment for a trespass or misdemeanor, the fine or amercement, which ought to be according to the degree of the fault and estate of the defendant, shall be assessed by twelve honest and lawful men.

2 Ch. 137, sec. 3, pa. 274. Any person damnified for want of a sufficient fence, who shall wound, &c. any beasts, shall satisfy the owner, in double damages.

3 Sec. 5, pa. 274. Taking away a boat or other vessel without leave of the owner, subjects the offender to a penalty of ten dollars.

TRIBUTARY INDIANS.

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UNLAWFUL ASSEMBLIES.

See Riots, Route and unlawful assemblies.

UNWHOLESOME MEAT, BREAD, or DRINK.

Rev. Code, vol. 1, ch. 23, pa. 30. Butcher or other selling the flesh of an animal dying otherwise than by slaughter, or slaughtered when diseased; or baker, brewer, distiller or other, selling unwholesome bread or drink; for the first offence shall be amerced, the second have judgment of the pillory, the third be fined and imprisoned, and for every time after, be imprisoned six months in the public works.

USURY.

No. 1. Ch. 219, sec. 2, pa. 367. A person, who by means of any corrupt bargain, loan, exchange, shift, covin, device or deceit, takes more than at the rate of 6 dollars a 100 for the loan or giving day of payment for a hundred dollars, for one year, forfeits double the value of the money or commodity——One moiety to the commonwealth, the other to the informer.

VAGRANTS.

See Overseers of the Poor.

Rev. Code, vol. 1, ch. 102, sec. 31, 32. A vagrant may be apprehended by warrant from two magistrates, and committed for three months to the workhouse; or if there be none, may be hired out for three months.

WHO SHALL BE DEEMED VAGRANTS.

See the above act, sec. 32, pa. 185, & Gaming.

VALUERS OF PROPERTY.

Rev. Code, vol. 2, ch. 10, sec. 2, pa. 7. A valuer of property taken in execution to satisfy the commonwealth, failing to attend, forfeits twenty dollars——To the commonwealth.

VENIRE MEN—*See jurors.*

VESSELS.

Rev. Code, vol. 1, ch. 108, sec. 7, pa. 205. When a person shall die on board any vessel, the master shall send the dead body on shore and have it buried four feet deep, above high water mark, under the penalty of 150 dollars——*See trespasses and misdemeanors, wrecks.*

WATER COURSES.

No. 1. Rev. Code, vol. 1, ch. 105, sec. 14, pa. 199. A person fixing in any water-course, any dam, &c. whereby navigation or the passage of fish may be obstructed, except for the erection of some engine useful to the public, (in which case the same proceedings are to be had, as in the case of water grist mills,) shall be deemed guilty of a nuisance, and the owner of the land adjoining may abate it.

2. Sec. 16, pa. 200. Felling a tree into a river, creek or run, over which a public bridge shall be erected, and not removing it within 48 hours, subjects the offender to a fine of $ 2 50 cents.

WITNESSES.

No. 1. Rev. Code, vol. 1, ch. 141, sec. 4, pa. 278. A person summoned as a witness to any court, or to appear before commissioners, referees, &c. failing to attend, shall forfeit and pay 16 dollars, to the party injured, and moreover be liable to his action.

2. Rev. Code, vol. 2, ch. 96, pa. 122. A witness summoned to attend before any magistrate, and failing, shall forfeit a sum not exceeding five dollars, to the party for whom summoned, besides being liable to his action or damages.

WOMEN—*See marriages.*

WOODS.

Rev. Code, vol. 1, ch. 292, sec. 2, pa. 423. A person setting fire to the woods, except by accident, forfeits 30 dollars for every offence. One half to the informer, the other to the county wherein the offence was committed.

WRECKS.

No. 1. Rev. Code, vol. 1, ch. 6, sec. 1, pa. 11. Commanding officer of vessel belonging to the state, neglecting to give assistance to commissioners of wrecks, forfeits £ 100——To officer or owner of ship in distress.

2. Persons not empowered by commissioners of wrecks, entering on board vessels in

distress, without leave of commander, or molesting them, or defacing marks, forfeit £ 10. To owner of vessel or goods.

3 Receivers of goods stolen from vessels in distress, not delivering them on demand, forfeit treble their value——To owner.

4 Commissioners of wrecks abusing their trust, by fraud or wilful neglect, forfeit treble damages——To party aggrieved.

5 Constables or persons summoned by them refusing to give assistance, forfeit 25 shillings——To party aggrieved.

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☞ *The figures included within a parenthesis, thus ( ) refer to the Appendices, at the end of the Volume.*

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2. Where any suit at law or in equity has abated or may abate by death of plaintiff or defendant, it may be revived in the name of the sheriff to whom the estate shall be committed; if it could have been revived by or against an executor or administrator. But the sheriff as defendant, shall not be liable for costs unless he has assets to defray them, s. 3. p. 120, 121.
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1. State divided into twelve circuits, in each of which a superior court of law to be held at the court-house of each county twice a year, by one judge of the general court, allotted thereto, s. 1, p. 148.

2. Arrangement of the counties into circuits; and times for holding courts therein, p. 148, 150.

3. County of Charlotte to belong to the third circuit, and when court to be held, p. 155.

4. Courts to sit till business dispatched, unless another shall interfere, p. 150.

5. Jurisdiction of said courts the same in criminal and civil cases as the district courts of law, s. 2, p. 151.

6. Practice and proceedings to be the same as now exist for the regulation of the district courts of law, s. 3, p. 151.

7. The same right of appeal which is now allowed from the county and corporation courts to the district courts of law, shall still be had to the superior courts of law, s. 4, p. 151.

8. The right of appeal to be exercised as heretofore in the district courts, s. 5, p. 151.

9. Process issuing under the law as heretofore, and which would have been returned to the district courts, shall be returned to the superior court of the county in which the process may issue, s. 4, p. 151.

10. Sheriffs of counties to act as sheriffs of the superior courts holden in their counties, and shall summon grand juries as for the district courts, s. 6, p. 151.

11. Also shall do and perform all duties appertaining to sheriffs attending district courts, under the law as at present, *ibid.*

12. Prosecutor for the commonwealth to be appointed by the judge; his compensation, s. 6, p. 151.

13. All officers' fees the same in the superior courts of law, as are allowed for similar services in the district courts, s. 7, p. 151.

14. Causes depending in the district courts, how to be arranged by the clerks thereof, and the papers transmitted to the clerks of superior courts of law; clerks to be compensated therefor by the judge, s. 8, p. 151, 152.

15. Quarterly courts of certain counties changed, s. 9, p. 152.

16. General court to consist of twelve judges, s. 10, p. 152.

17. As soon as two additional judges appointed, the executive to allot one judge to each circuit, who shall perpetually hold a court in that circuit, s. 11, p. 152.

18. A judge appointed to supply a vacancy, to reside in the circuit to which appointed, s. 11, p. 152.

19. Each judge to appoint a clerk for each court, except that in which a district court may have been holden; the clerk whereof shall be clerk of the superior court of that county, s. 12, p. 152.

20. Appointment of clerk to be certified by the judges to the several county courts, who shall take such bond and administer such oaths as heretofore required of clerks of district courts, s. 12, p. 152.

21. Clerks may appoint deputies; how qualified; their power and duty, s. 13, p. 152.

21. Each judge may change the venue within his circuit, for good cause shewn at bar; and the judges of the general court may change the venue from circuit to circuit, s. 14, p. 152.

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35. Court not sitting in a term, or not continuing to sit the whole term, or not having heard all matters ready for decision, all suits, &c. to stand continued to succeeding term, s. 6, p. 154.
36. No discontinuance, if, from any cause, the court shall not sit on any day in the term, after opened; but as soon as the cause removed, the court to proceed, s. 6, p. 154.
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2. Penalty for neglect, how recovered and appropriated, s. 1, p. 2.

3. When clerks of county and corporation courts to transmit lists of fines to sheriff and certify to the auditor; and how such fines to be levied and accounted for, s. 2, p. 2.

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5. To take a receipt from the sheriff, and transmit it, with a copy of the execution and judgment to the auditor within 60 days from the date of the receipt, s. 1, p. 104.

6. Allowance to the clerk for his services, and penalty for neglect, s. 1, p. 104.

12. Their duty in certifying lists of fines, &c. to the auditor, imposed for the use of the commonwealth since 1796; and penalty for neglect, s. 4, p. 105.

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14. To collect taxes on ordinary licenses, and account for them under the same penalties as other taxes, s. 3, p. 162.

15. To grant licenses and collect tax on merchants' licenses, when no commissioner, or sheriff or collector, s. 1, p. 111.

16. To set up lists of pedlars' licenses, under a penalty, s. 3, p. 111.

17. When to return to auditor lists of tavern and pedlars' licenses; and under what penalty for neglect, s. 3, p. 112.

18. When to return to auditor lists of merchants' licenses in certain towns, if granted by the clerk, s. 3, p. 112.

19. Fee for recording pedlars' licenses, s. 3, p. 111.

20. To certify proceeds of sales of the property of persons taking the oath of insolvency at the suit of the commonwealth, s. 3, p. 27.

21. Of superior courts of chancery, their fees for services rendered the commonwealth and how paid, p. 29.

22. ——————, to certify dissolution of injunctions, and time of awarding and dissolving them, p. 30.

23. Of county and corporation courts to attend commissioners for choice of electors of President and Vice-President, with list of lands taxed, p. 32.

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15. Penalty for neglect, or for failing to transmit to attorney for commonwealth copies of warrant of commitment and depositions, p. 38.

16. When to deliver lists of alienations to commissioners of the revenue, s. 3, p. 69.

17. To have the same fees as heretofore, for entering rules for declaration, plea, replication, rejoinder or other pleading; or common order or confirmation thereof; or filing any of those pleadings at law; or a bill, answer, replication, or other proceeding in chancery: but no fee for a continuance on the rule docket: but he shall continue the rule monthly if necessary, and be entitled to 25 cents quarterly, s. 1, p. 85.

18. Of county and corporation courts, to keep separate rule and court dockets for chancery causes, s. 2, p. 85.

19. Clerks of courts not to place a fee bill in the hands of a sheriff, or demand or receive any fee for copies, unless they be actually made out at the request of the party, his attorney or agent; nor for making up a complete record unless it be actually made up. This act not to prevent witnesses from obtaining copies of orders of attendance, or clerks from taxing in the bill of costs for making up records; nor shall this act extend to copies of records necessary in cases of appeal,

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22. Their duty, in certifying to the executive a copy of the previous order for summoning magistrates, if made, on recommending persons to be commissioned as justices, p. 95.

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23. Court may appoint a clerk *pro tempore* for the special purpose of making such order, p. 95.

24. Of county and corporation courts to enter attendance of witnesses in the same manner as clerks of district courts, s. 1, p. 113, 114.

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33. When clerks of district courts to certify to clerks of superior courts of law, papers in causes depending in district courts, s. 17, p. 153.

34. Clerks of district courts, how to issue process 'till the 1st of March 1809; and how such process to be returned—See CIRCUIT COURTS, No. 26.

35. Powers, duties, and rules of proceeding of clerks and other officers, to be the same, in superior courts of law, as heretofore in district courts, s. 20, p. 153.

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4. All commissioners in chancery may administer an oath or affirmation, in cases to them referred, s. 2, p. 94.

5. Whatever would constitute perjury in a witness giving evidence before a court, deemed perjury, if before a commissioner, s. 2, p. 94.

6. What persons disqualified from giving an opinion on the reference of a cause, or on the trial of a suit in which he has, or shall have acted as commissioner, s. 3, p. 94.

7. All commissioners in Chancery, may issue *subpœnas* for witnesses to appear before them, s. 4, p. 94.

8. To report their default to court, if they fail to attend, s. 4, p. 94.

9. May be directed, by judge of superior court of chancery, in vacation, to take an account, s. 1, p. 128.

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1. To grant licenses to Merchants; and penalty on merchants for selling without, s. 1, p. 110, 111.

2. To recover penalties in their names, and when to return a list of licenses and fines to the auditor, s. 1, p. 111.

3. To report to their courts delinquent merchants, hawkers and pedlars; and to proceed against clerks for failing to set up lists of pedlars' licenses, s. 2, p. 111, and s. 3, p. 111.

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5. When those of certain towns, to be returned to the auditor, s. 3, p. 112.

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missioners' valuation of houses and lots, s. 4, p. 112.

7. Fee for licenses granted to merchants, hawkers and pedlars, s. 3, p. 111.

8. To return to escheator before the 1st January annually, lists of lands escheatable to the commonwealth, s. 1, p. 30.

9. Penalty for failure of duty, s. 1, p. 30.

10. Courts not to allow for more than 82 days, and auditor not to issue a warrant for more than 82 dollars for services of any commissioner of the revenue, s. 1, p. 68.

11. May appoint assistants, in certain cases, s. 1, p. 68, 69.

12. To receive lists of and enter on his land book, all lands held by patent or conveyance, subject to taxation, which were not before entered, s. 2, p. 69.

13. To value them if not before valued, *ibid.*

14. When to receive from clerks of courts, lists of alienations, s. 3, p. 69.

15. Lists to include conveyances, partly, tho' not fully proved, *ibid.*

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18. Their power to rectify errors in the quantity or valuation of lands; or where they are charged more than once, s. 5, p. 69.

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28. To state in a column, in their book or list of taxables, opposite each person's name, the tax due by such person, for land or other property—*App.* No. IX. p. (131.)

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SUPPLEMENT,

CONTAINING THE

ACTS

OF THE

GENERAL ASSEMBLY

OF

VIRGINIA,

OF A PUBLIC AND GENERALLY INTERESTING NATURE,

PASSED SINCE THE

Session of Assembly

WHICH COMMENCED IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVEN.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY, PASSED THE TENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND TWELVE.

RICHMOND:
PRINTED AND PUBLISHED BY SAMUEL PLEASANTS,
PRINTER TO THE COMMONWEALTH.
1812.

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the fifth day of December, one thousand eight hundred and eight.

CHAPTER I.

An Act to encrease the compensation allowed by law to the Electors of a President and Vice-President of the United States.

☞ See Rev. Code, vol. 2, Ap. No. IX, p. (121,) and Sess'ns acts of 1792, ch. 30, sec. 10.

[Passed December 8, 1808.]

1. BE *it enacted*, That in lieu of the allowance now made by law, for the travelling expenses and attendance of electors of a President and Vice-President of the United States, each elector shall be allowed for his travelling expenses eight cents per mile and ferriages, and for his daily attendance three dollars. Compensation to electors.

2. The provisions of this act shall be extended to the electors of the President and Vice-President of the United States now in service. To extend to electors now in service.

3. *Provided*, That no compensation for travelling expenses, nor his daily attendance, shall be received by any elector who may be a member of the General Assembly. Proviso.

4. This act shall commence and be in force from the passing thereof. Commencement.

CHAP. II.

An Act concerning Elections in certain cases.

[Passed December 12, 1808.]

1. BE *it enacted by the General Assembly*, That whenever a vacancy doth or shall exist in the representation of any county of this commonwealth, which hath been, or may become divided after the general annual election, the Speaker of the House of Delegates shall issue a writ of election to supply such vacancy to the sheriff of each county formed by such division; and the sheriff of the county retaining the original name shall, upon the receipt of such writ, forthwith give notice to the sheriff of the other county of the day on which the election shall be holden, which shall be within fifteen days and not less than ten days thereafter:—And both sheriffs shall thereupon give notice to the freeholders of their respective counties of the time and place appointed for holding such election, by advertisement to be affixed at four of the most convenient places in each county, not less than five nor more than ten days before the election, and the election shall be made in the courthouse of each county by the sheriff, or in his absence by the under sheriff thereof, in the manner prescribed for a general election; it shall be held on the same day in each county, and no votes shall be received, except by virtue of a freehold in the county where the vote shall be given. The sheriffs or under sheriffs of both counties conducting the election shall, on the fourth day after that appointed for holding the said election, meet at the courthouse of that county retaining the name of the county before the

Manner of directing a writ of election, where a county has been divided.

Duties of the sheriff.

Election, how to be conducted.

division, and shall then and there compare the polls respectively taken at the elections in their several counties, and having ascertained the person having the greatest number of votes, giving their own votes, in any case of the two foremost on such polls having an equal number of votes, and in case their votes also shall be divided, deciding the same by lot, shall make their return in the following manner, or to the following effect; upon each writ shall be indorsed these, or the like words: "The execution of this writ appears in a schedule hereunto annexed;" and on another paper connecting the several writs together, shall be written these, or the like words; "By virtue of these writs to us directed in our full counties held at the courthouses thereof respectively, on the day of in the year of our Lord by the electors of our said counties, qualified according to law, we caused to be chosen a delegate (or delegates) namely, to fill the vacancy or (vacancies) in these writs mentioned. Given under our hands and seals the day and year aforesaid." And the officers conducting the elections shall make their returns immediately, to the Speaker of the House of Delegates.

Election, how to be decided in case of an equality of votes.

Return of the sheriff.

Election, how to be conducted in case of a senatorial vacancy.

2. *And be it enacted*, That whenever a vacancy shall occur in the representation of any senatorial district embracing a county, which shall have become divided as aforesaid, the election for supplying such vacancy shall be conducted in all respects as if the new county had existed and formed a part of the said district before the general election.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. III.

☞ See Revised Code, vol. 2, pa. 131, and Sess'ns. acts of 1806, ch. 25, sec. 1.

An Act to amend the Act giving power to the County Courts to establish Ferries, and to regulate the Rates of Ferriage.

[Passed January 4, 1809.]

Certain part of the act authorising courts to establish ferries, &c. repealed.

1. BE *it enacted by the General Assembly*, That so much of the act passed the seventeenth day of January, one thousand eight hundred and seven, entitled "An act giving power to the county courts, to establish ferries and regulate the rates of ferriage," as directs the courts, in fixing the rate of ferriage, to observe that for every wheel of a carriage, the same ferriage be allowed as for a horse, shall be, and the same is hereby repealed. And the said courts may in their discretion fix the rate of ferriage on wheel carriages.

Proviso.

Provided, That a majority of the magistrates of such courts shall be present when such rates shall be established by virtue of this act.

Commencement.

2. This act shall be in force from and after the first day of May next.

CHAP. IV.

An Act allowing Persons arraigned of Misdemeanors in certain cases, the right of Challenge.

[Passed January 9, 1809.]

Persons arraigned for misdemeanors, entitled to the right of challenge.

1. BE *it enacted by the General Assembly*, That in all cases where any person or persons shall hereafter be put upon his, her or their trial for any misdemeanor, the punishment whereof is or shall be confinement in the jail and penitentiary

house of this commonwealth, such person or persons shall be allowed the same right of challenge as is allowed to persons arraigned for felony.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. V.

An Act concerning Executions, and for other purposes.

[Passed January 31, 1809.]

☞ See *post* ch. 43, 48, & Sess'ns. acts of 1809, ch. 13, 18.

1. BE it enacted by the General Assembly, That the defendant or defendants shall have power to stay execution upon any judgment or decree for money, which hath been or shall be rendered either by a court or justice of the peace, by tendering to the court or justice of the peace by whom judgment shall have been rendered, within sixty days after the rendition of any judgment hereafter to be rendered, or within sixty days from the commencement of this act, as to any judgment or decree heretofore rendered, bond with sufficient security, payable to the plaintiff, or plaintiffs, his, her or their executors, administrators or assigns, in double the amount of the demand, conditioned to pay the principal and interest; *Provided always*, that the said bond and security may be given, either in court, or in the clerk's office of said court at any time within the aforesaid sixty days. Conditions on which defendants may stay executions on judgments & decrees.

2. *And be it further enacted*, That when any distress for rent due in money shall be made, the tenant may stay proceedings on such distress, by giving like bond with sufficient security, to the sheriff or other officer levying the same, payable to the landlord, his executors, administrators or assigns, which bond it shall be the duty of such officer to deliver to the landlord, his agent, or attorney; or to return the same to the clerk's office of the county or corporation in which the distress shall have been made, within thirty days thereafter. On proceedings on distress for rent.

3. *And be it further enacted*, That no execution shall issue upon any replevy bond, bond given for property sold on twelve months credit, or forfeited forthcoming bond heretofore executed, provided, the obligors or their legal representatives shall give like bond and security to the court, or, if that be not holden, in the clerk's office of the court which by law now is, or hereafter shall be authorised to enforce the payment of such bond, within sixty days after the passage of this act, or before such replevy bond shall become due, or execution be awarded on such forfeited forthcoming bond. And on replevy, 12 months and forthcoming bonds.

4. *And be it further enacted*, That every unsatisfied execution for money, which at the commencement of this act shall be in the hands of any sheriff, or other officer, may be stayed in the same manner as a judgment: *Provided*, the bond and security be given for such purpose before the officer proceeds to sell. Unsatisfied executions in officers' hands to be stayed. Proviso.

5. *And be it further enacted*, That the bonds taken in pursuance of this act, shall have the force of a judgment, and be assignable, and, upon the expiration of this act, may be acted upon as twelve months replevy bonds may be proceeded upon when due. Bonds under this act to have the force of a judgment, be assignable, &c.

6. *And be it further enacted*, That all proceedings shall be suspended upon any decree rendered by any court of chancery for the sale of real or personal property, and also all proceedings by any Proceedings on decrees for sale of property, and on trust deeds,

may be stayed in the same manner.

trustee, on any deed of trust, may be stayed in the same manner as a judgment may be stayed by virtue of the first section of this act; in which case the bond with security is to be given in the name of the creditor to the trustee or commissioners: *Provided nevertheless,* That nothing in this act contained shall be so construed as to extend to any deed of trust, mortgage, or other lien on real or personal estate, given or created to indemnify any person or persons as security, or to secure the re-payment of any money paid by any person or persons as security for another, or to secure the payment of any sum or sums of money, received by another as attorney, sheriff, sergeant, coroner, constable, guardian, executor, administrator or committee of an idiot or lunatic, or other person of unsound mind, or as receiver, or trustee under any order or decree of any court of law or equity.

Proviso.

Proceedings to be had when the obligee shall think the security insufficient.

7. *And be it further enacted,* That if at any time the obligee or obligees, his, her or their executors, administrators or assigns of any of the bonds to be taken by virtue of this act, shall think the security insufficient, or likely to become so, he, she or they, as the case may be, shall have power upon giving ten days notice to the principal debtor, or debtors, his, her or their executors or administrators, if to be found in the county or circuit, and if not to be found, on advertising the same for one month, at the court-house door, to move the court, to stay whose judgment or execution the bond and security shall have been given, for new security, which if the court award, and the defendant or defendants, his, her or their executors or administrators, shall fail to give, he, she or they, as the case may be, shall be deprived of the benefit of this act, and the bond theretofore given, shall be proceeded upon as if this act had expired. The landlord, his executors, administrators or assigns, shall have the same remedy against his tenant, his, her or their executors or administrators as to insufficient security, before the court of that county or corporation in which the distress was made.

Securities may require counter-security.

8. *And be it further enacted,* That any security to bonds, given by virtue of this act, his, her or their executors or administrators, shall have power (with like notice) to require counter-security; and upon failure of the principal debtor or debtors, his, her or their executors or administrators, to give such, he, she or they shall forfeit the privileges of this act, and execution may go against the principal debtor or debtors, his, her or their executors or administrators, in favor of the creditor, and for the relief of the said security or securities, who nevertheless shall remain bound to the original creditor in terms of their bond.

Proviso.

Provided always, That no judgment, execution or sale shall be stayed, until bond, with security, according to the provisions of this act, shall have been given; and that this act shall be construed to apply only to judgments for money arising upon contracts heretofore entered into, and to judgments for money, which have been or may be rendered in suits where the cause of action shall have accrued before the passage of this act; but that it shall not extend to judgments in actions of slander, assault and battery, trespass, and actions on the case founded in tort, and that it shall not apply to any judgment which shall be, or may have been recovered by any person or persons, his, her or their executors or administrators, as security against another, or to any judgment which shall be, or may have been recovered by any person or persons, his, her or their executors or administrators, as security

Cases to which the provisions of this act extend.

against the principal debtor or debtors, his, her or their executors or administrators, or to any judgment which hath been, or shall be rendered, or given in favor of any person or persons, against another, for any sum or sums of money received as attorney, sheriff, sergeant, coroner, constable, guardian, executor, administrator or committee of an ideot or lunatic, or other person of unsound mind, or as receiver, or trustee under any order or decree of any court of law or equity, or to any judgment which hath been or shall be recovered by the state, or to any judgment which hath been or shall be recovered against a sheriff, under sheriff or other public officer, or their securities, or the heirs, executors or administrators of such sheriff, under sheriff or other public officer, or their securities, for any other delinquency whatsoever, or to any judgment, which hath been, or shall be obtained by any bank established by law, or to any judgment or execution moved or issued by the Mutual Assurance Society against fire on buildings of the state of Virginia, or by any body politic or corporate, against delinquent subscribers to their capital stock.

Plaintiff whose judgm't is stayed by this act, may resort to original security.

9. *And be it further enacted,* That nothing in this act contained shall be so construed as to prevent any plaintiff or plaintiffs, his, her or their executors, administrators or assigns, whose judgment or execution may be stayed by this act, from resorting to his, her or their original security or securities, his, her or their executors or administrators, for the recovery of his, her or their original debt or demand; *Provided,* due diligence be used after the expiration of this act to enforce the payment of such bond or bonds, as to him, her or them may be made or given, under the authority of this act; nor shall any such bond be regarded as a satisfaction of the debt or demand, on account of which it shall be so made or given, until the same shall be actually paid.

Proviso.

Original security may move for counter-security.

Proceedings where it is not given.

10. *Be it enacted,* That such original security, his, her or their executors or administrators, may, at any time, move for counter-security in the same manner as the securities mentioned in the eighth section of this act. And, in case the principal debtor or debtors, his, her or their executors or administrators, fail to give such security, then execution may immediately issue against such principal debtor or debtors, his, her or their executors or administrators, and his, her or their last security or securities, in favor of the creditor, and for the relief of the said original security or securities, who nevertheless shall remain bound to the creditor, in the terms of his, her or their original contract.

Commissions, &c. of sheriff, where bond is not given before execution levied.

11. *And be it further enacted,* That in case any defendant or defendants shall fail to give such bond and security as is authorised by this act, until after the sheriff or other officer shall have levied any execution, which to him shall have issued, the sheriff or other officer, who shall so have levied the execution, shall be entitled to the same commissions as heretofore were allowed on taking replevy bonds, and may issue his tickets, and have the same remedy for their collection against such defendant or defendants, as heretofore was given against the plaintiff in such forthcoming bonds. And in such case, the sheriff or other officer shall deliver to such defendant or defendants the property so taken in execution, upon his, her or their producing and delivering to him a certificate from the clerk issuing such execution, that bond with security hath been given according to the provisions of this act.

Fee to officer for taking bond.

12. *And be it further enacted,* That the clerk of any court, or other officer, shall be entitled to sixty-three cents for each bond he

may take under the authority of this act, to be paid by the defendant or defendants executing such bond, and collected in like manner as fees for other services.

Costs to be paid before the benefit of this act can be had.

13. *Be it further enacted*, That before any defendant or defendants, shall avail himself, herself or themselves, of all, or any of the provisions of this act, he, she or they shall pay off and satisfy all costs which shall have accrued upon the judgment, decree, execution, sale, or other proceeding to be stayed.

Proceedings to be had where defendants, &c. do not avail themselves of the provisions of this act.

14. *And be it further enacted*, That in all instances where any person, who, under the provisions of this act, is authorised to stay proceedings on any judgment, deed of trust, decree, execution, distress, or upon any forthcoming bond, replevy bond taken on distress for rent, or on levying an execution, or bond given for property sold on twelve months credit, by giving bond with security, in the manner heretofore directed, shall fail to avail himself of the indulgence, all property taken by virtue of such judgment, execution, decree, deed of trust, and upon every such forthcoming bond, replevy bond taken on distress for rent, or on levying an execution or bond given for property sold on twelve months credit, the time and place of sale being previously duly notified, shall be sold to the highest bidder, and bond or bonds from the purchaser or purchasers, unless he, she or they shall be the creditor, with sufficient security, shall be taken by the officer, or other person or persons conducting the sale, payable to him or them to whom the money may be due, or to his, her or their executors or administrators, in double the amount of the purchase, conditioned for the payment of the amount purchased by the purchaser or purchasers, with interest on so much thereof as shall be sufficient to satisfy the purchase, payable at the expiration or repeal of this act: And the said bond or bonds shall have the force of a judgment, shall be assignable, and when due, may be proceeded on as twelve months replevy bonds may be proceeded on when due.

Where bond is given to stay proceedings on deeds of trust, &c. lien on the property to continue.

15. *And be it further enacted*, That upon all mortgages and deeds of trust, where proceedings shall be delayed by the debtor giving bond with security, or where the property shall be sold, as prescribed by this act, the lien on the property so mortgaged or conveyed in trust shall not be removed, until the bond so given shall be discharged; and when such discharge shall be in consequence of payment by the security or securities in any such bond, his, her or their executors or administrators, he, she or they so paying shall acquire the right, and be substituted in the place of the original creditor or creditors holding such lien, and a sale may take place at the instance of the one, as it could have done at the instance of the other, had such payment not have been made.

Proceedings where property sold under this act, may bring more than the debt, &c.

16. *And be it further enacted*, When, by virtue of this act, property shall be sold on a credit, to expire with the expiration or repeal of this act, where the property shall sell for more than the sum due from the debtor or debtors, the sheriff or other person making sale thereof, shall take bond with sufficient security, payable to the debtor or debtors, his, her or their executors or administrators, in double the amount of such excess, conditioned for the payment thereof, which bond shall have the force of a judgment, and at the expiration of this act the same proceedings shall be had thereon, as are had on twelve months replevy bonds when due.

17. *And be it further enacted*, That the act, entitled "An act, concerning the sale of property under executions and incumbrances." passed the first day of February, in the year eighteen hundred and eight, shall be, and the same is hereby repealed, except so much thereof as was intended to be perpetual. Replevy law repealed in part.

18. This act shall continue in force till the rising of the next General Assembly. Continuation of this act.

19. This act shall be in force from the passing thereof. Commencement.

CHAP. VI.

An Act, to amend an Act, entitled an Act, to organize and establish a Superior Court of Law in each county of this commonwealth, and also an Act Supplemental thereto, passed in the last session of the General Assembly.

See Revd. C. 2d vol. p. 148, 154, and sessions acts of 1807, ch. 3, 4.

[Passed February 4, 1809.]

1. BE *it enacted by the General Assembly*, That the general court shall consist of thirteen judges, to be elected and commissioned in the manner directed by the constitution, and that the state shall be divided into thirteen circuits, and one judge of the general court assigned to each circuit, who shall hold a court twice in each and every year, at the courthouse of each county in his circuit, at the times and in the manner hereinafter directed. A court shall be holden in Elizabeth City, on the first day of April and the first day of September; in Warwick, on the fifth day of April and the fifth day of September; in York, on the ninth day of April and the ninth day of September; in James City, on the fifteenth day of April and the fifteenth day of September; in Charles City, on the twenty-first day of April and the twenty-first day of September; in New Kent, on the twenty-eighth day of April and the twenty-eighth day of September; in King William, on the sixth day of May and the sixth day of October; in Middlesex, on the twelfth day of May and the twelfth day of October; in Gloucester, on the twenty-second day of May and the twenty-second day of October; in Mathews, on the twenty-eighth day of May and the twenty-eighth day of October; and the said counties shall compose the first circuit. A court shall be holden in Greensville, on the first day of April and first day of September; in Southampton, on the seventh day of April and the seventh day of September; in Sussex, on the fifteenth day of April and the fifteenth day of September; in Prince George, on the twenty-second day of April and the twenty-second day of September; in Surry, on the twenty-ninth day of April and the twenty-ninth day of September; in Isle of Wight, on the seventh day of May and the seventh day of October; in Nansemond, on the fifteenth day of May and the fifteenth day of October; in Norfolk, on the twenty-second day of May and the twenty-second day of October; in Princess-Anne, on the thirtieth day of May and the thirtieth day of October; and the said counties shall compose the second circuit. A court shall be holden in Northumberland, on the first Monday in April and on the first Monday in September: in Lancaster, on the second Monday in April and on the second Monday in September; in Richmond county, on the third Monday in April and on the third Monday in September; in Westmoreland, on the first Tuesday after the fourth Monday in

General court to consist of 13 judges, and one to be allotted to each circuit into which the state is to be divided.

Arrangement of the counties into circuits, & days of holding courts.

April and on the first Tuesday after the fourth Monday in September; in King George, on the second Tuesday after the fourth Monday in April and on the second Tuesday after the fourth Monday in September; in Stafford, on the third Tuesday after the fourth Monday in April and on the third Tuesday after the fourth Monday in September; in Prince William, on the third Monday after the fourth Monday in April and on the third Monday after the fourth Monday in September; in Fairfax, on the fourth Monday after the fourth Monday in April and on the fourth Monday after the fourth Monday in September; and the said counties shall compose the third circuit. A court shall be holden in Goochland, on the first Monday in April and the first Monday in September; in Henrico, at the capitol, in the city of Richmond, on the second Monday in April and the second Monday in September; in Hanover, on the fourth Monday in April and the fourth Monday in September; in King and Queen, on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Essex, on the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; in Caroline, on the third Monday after the fourth Monday in April and the third Monday after the fourth Monday in September; and in Spottsylvania, on the fourth Monday after the fourth Monday in April and the fourth Monday after the fourth Monday in September; and the said counties shall compose the fourth circuit. A court shall be holden in Dinwiddie, on the first Monday in April and the first Monday in September; in Brunswick, on the second Monday in April and the second Monday in September; in Lunenburg, on the third Monday in April and the third Monday in September; in Nottoway, on the fourth Monday in April and the fourth Monday in September; in Amelia, on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Powhatan, on the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; in Chesterfield, on the third Monday after the fourth Monday in April and the third Monday after the fourth Monday in September; and the said counties shall compose the fifth circuit. A court shall be holden in Mecklenburg, on the first Monday in April and the first Monday in September; in Charlotte, on the second Monday in April and the second Monday in September; in Halifax, on the third Monday in April and the third Monday in September; in Pittsylvania, on the fourth Monday in April and the fourth Monday in September; in Henry, on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Patrick, the Thursday after the commencement of Henry court; in Franklin, the Thursday after the commencement of Patrick court in April and September in each year; and the said counties shall compose the sixth circuit. A court shall be holden in Campbell, on the first Monday in April and the first Monday in September; in Bedford, on the second Monday in April and the second Monday in September; in Buckingham, on the third Monday in April and the third Monday in September; in Prince-Edward, on the fourth Monday in April and the fourth Monday in September; in Cumberland, on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Fluvanna, on

the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; in Louisa, on the first Tuesday after the third Monday after the fourth Monday in April and on the first Tuesday after the third Monday after the fourth Monday in September; and the said counties shall compose the seventh circuit. A court shall be holden in Bath, on the first Monday in April and the first Monday in September; in Rockbridge, on the second Monday in April, and the second Monday in September; in Augusta, on the third Monday in April and the third Monday in September; in Amherst, on the fourth Monday in April and the fourth Monday in September; in Nelson, on the first Monday after the fourth Monday in April, and the first Monday after the fourth Monday in September; in Albemarle, on the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; and the said counties shall compose the eighth circuit. A court shall be holden in Culpeper, on the first Monday in April and the first Monday in September; in Madison, on the second Monday in April and the second Monday in September; in Orange, on the third Monday in April and the third Monday in September; in Rockingham, on the fourth Monday in April and the fourth Monday in September; in Pendleton, on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Hardy, on the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; in Shenandoah, on the third Monday after the fourth Monday in April and the third Monday after the fourth Monday in September; and the said counties shall compose the ninth circuit. A court shall be holden in Loudoun, on the first Monday in April and the first Monday in September; in Fauquier, on the second Monday in April and the second Monday in September; in Jefferson, on the third Monday in April and the third Monday in September; in Berkeley, on the fourth Monday in April and the fourth Monday in September; in Hampshire, on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Frederick, on the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; and the said counties shall compose the tenth circuit. A court shall be holden in Brooke, on the second Monday in April and the second Monday in September; in Ohio, on the third Monday in April and the third Monday in September; in Wood, on the fourth Monday in April and the fourth Monday in September; in Harrison, on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Randolph, on the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; in Monongalia, on the third Monday after the fourth Monday in April and the third Monday after the fourth Monday in September; and the said counties shall compose the eleventh circuit. A court shall be holden in Botetourt, on the first Monday in April and the first Monday in September; in Monroe, on the second Monday in April and the second Monday in September; in Greenbrier, on the third Monday in April and the third Monday in September; in Kanawha, on the fourth Monday in April and the fourth Monday in September; in Mason, on the first Monday after the fourth Monday in April and the first Monday after the

fourth Monday in September; in Cabell, on the second Monday after the fourth Monday in April, and the second Monday after the fourth Monday in September; and the said counties shall compose the twelfth circuit. A court shall be holden in Grayson, on the first Monday in April and the first Monday in September; in Washington, on the second Monday in April and the second Monday in September; in Lee, on the third Monday in April and the third Monday in September; in Russell, on the fourth Monday in April and the fourth Monday in September; in Tazewell, on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Giles, on the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; in Montgomery, on the third Monday after the fourth Monday in April and the third Monday after the fourth Monday in September; in Wythe, on the fourth Monday after the fourth Monday in April and the fourth Monday after the fourth Monday in September; and the said counties shall compose the thirteenth circuit.

Court days happening Sunday, court to be held next day.

If any of the aforesaid days on which courts are directed to be holden in the two first circuits, shall happen to be Sunday, then the court shall be holden on the next day.

Suit may be brought in any circuit.

2. *And be it further enacted*, That a suit may be brought in any circuit court within this commonwealth, although the defendant or defendants should not reside within the jurisdiction of such court: *Provided*, the cause of action arose within such jurisdiction: And the defendant or defendants in such case, may be held to bail, as if he, she or they were residents.

Proviso.

Prisoners confined in district jails, how to be dealt with.

3. *And be it further enacted*, That every person now confined in the jail of any district court, upon a charge of felony or other offence, cognizable in the superior court of a county, shall be removed to the jail of the county where the felony or other offence was committed; and it shall be the duty of the principal or deputy sheriff of such county, taking with him a certificate of the clerk that he is the principal or a deputy sheriff thereof, to remove such prisoner; for which service the same fees shall be allowed as for removing a criminal from the county to the district jail. And all recognizances for the appearance of any person before a district court on a charge or prosecution now cognizable by the superior court of any county, together with all papers relating to prosecutions of every kind, depending in the district courts, shall be transmitted to the clerk of the superior court of such county; and it shall be the duty of all persons recognized or prosecuted to appear before the superior court of such county, having jurisdiction thereof, on the first day of next term, upon pain of forfeiture of their recognizance.

Causes in district courts, how to be disposed of.

4. *And be it further enacted*, That all causes depending in the former district courts of law, on the thirty-first day of December, one thousand eight hundred and eight, shall be arranged by the respective clerks thereof; and all the papers and documents belonging to each cause, and copies of all orders, and a statement of the costs, shall be by the said clerks transmitted to the clerks of the superior courts of those counties respectively in which it shall appear, from the original process, the defendant resided at the time the same was executed: where there shall be more than one defendant, the papers shall be transmitted to the clerk of the superior court of that county in which it shall appear, from the original process in the cause, the first named defendant resided, at the time of the execution thereof. If any clerk shall fail to ar-

Duties of clerks.

Penalty on clerk for failure.

range and transmit the papers as aforesaid, or to deliver them to the clerk of any circuit court, within four months after the passage of this act, he shall for every such offence forfeit and pay the sum of two hundred dollars, to be recovered in any court of record within this commonwealth: *Provided*, That in all cases of caveat, and in all actions, real or mixed, or in which the title or bounds of lands is or may be drawn in question, the papers shall be transmitted to the clerk of the circuit court of the county in which the lands shall lie, or if the lands shall lie in two or more counties, to either of them. Proviso.

5. *And be it further enacted*, That in all cases where any writ of certiorari or habeas corpus has heretofore been granted to remove any action or suit from any inferior court to a district court, such cause shall be retained for final trial in the circuit court of the county where such district court was holden. Proceedings where habeas corpus or certiorari has been granted.

6. *Be it further enacted*, That the clerks of the county courts, shall be the clerks of the circuit courts holden in their counties respectively, except in the counties where district courts are held: in those the district court clerks shall act as clerks of the circuit courts; or, where the clerk of the county court shall refuse to perform the duties of clerk of the circuit court or any judge shall be of opinion that the clerk of the county is not capable of discharging the duties of his office, in such case the judge may appoint a fit clerk: *And provided also*, That every clerk appointed by virtue of this act, before his appointment shall be effectual, shall enter into bond with approved security, and take the oath of office at the next circuit court, in the same manner as provided by the acts to which this is amendatory; and in case of failure, it shall be lawful for such circuit court to appoint some other person to fill such office. The clerks of the several courts established by this act, and by the acts to which the same is an amendment, shall respectively, if the profits of their said offices shall exceed three hundred dollars per annum, pay annually into the public treasury such proportion of the excess, not exceeding one half thereof, as shall from time to time be directed by law: *Provided nevertheless*, That nothing herein contained shall be so construed as to tax the clerks of the late district courts, who shall become clerks of the superior courts by virtue of this act. Clerks of county courts to be clerks of circuit courts. Proviso. Clerks when they may be taxed.

7. *And be it further enacted*, That the clerks of the courts aforesaid shall keep their offices at the courthouses of the counties in which they are or may be clerks. Offices to be kept at courthouses.

8. *Be it enacted*, That in all cases where forthcoming bonds have been taken on any judgment rendered in any district court, the circuit court of the county in which the district court was holden, shall have full power to award execution, and shall have and exercise all such power relative to the same, as the district courts had. Proceedings where forthcoming bonds have been taken.

9. *And whereas* two or more of the judges now in commission, in several instances, reside in the same circuit, in consequence whereof one or more of such judges will be necessarily sent on a foreign circuit or circuits; Proceedings where two judges reside in the same circuit.

10. *Be it enacted*, That in every such case where the circuit shall become vacant by the death, resignation or removal from office of the judge allotted thereto, the judge who shall be next oldest in commission, resident within the same circuit, shall succeed thereto, and the judge who shall be appointed to fill the vacancy occasioned by such death, resignation or removal, shall be allotted to,

and reside in the circuit, which will be left vacant by such succession.

Proceedings on replevy bonds & 12 months bonds.

11. In all cases where bonds have been executed to replevy property, which has been exposed for sale under executions which emanated from the district courts, the clerks of the circuit courts in the counties in which the district courts were holden, shall have full power to issue executions thereon, when they shall become due, in the same manner and under the same regulations that the clerks of the district courts had. The same power shall also be exercised by the said clerks over twelve months bonds. The circuit courts of the counties in which the district courts were held, shall have and exercise all power relative to the said bonds and executions that the district courts had.

Proceedings when judge is interested.

12. *Be it further enacted.* That when any judge of a circuit court shall be interested in any cause depending in his circuit, or related to either of the parties, or in any manner situated so as to render it improper in his judgment to preside at the trial, it shall be lawful for such judge to cause the same to be removed to the next circuit, and to the most convenient court in that circuit for trial.

Writ of certiorari, when to be awarded.

13. *And be it further enacted,* That it shall be lawful for any judge, if it shall appear to him that justice cannot be done in any cause depending in any county or corporation court within his circuit, and that it has come to the knowledge of the party after issue joined or a writ of enquiry awarded, to award a writ of certiorari at the instance of either party in the manner other writs of certiorari are awarded.

Petersburg annexed to P. George.

14. *Be it enacted,* That the town of Petersburg shall be attached to, and within the jurisdiction of the circuit court holden in the county of Prince-George.

Prisoners, how to be tried when court shall fail to sit.

15. *Be it further enacted,* That whensoever it shall so happen that a term of any court hereby established shall from any cause fail to be holden, and previously to such term any person shall have been imprisoned in the jail of such court, charged with any crime or offence punished with the loss of life, or by imprisonment in the jail and penitentiary house, it shall be the duty of the judge of such court to appoint a special session of such court, for the trial of such offence. And in such case the judge shall issue his warrant under his hand and seal, addressed to the clerk, who shall give notice to the commonwealth's attorney and other officers of his court, and shall issue all necessary subpœnas returnable to the special session so to be holden.

Repealed.

Post ch. 50, sect. 2, see sessions acts of 1809, ch. 20, sect. 2.

16. *Be it further enacted,* That a superior court of law shall be holden for the county of Accomac, at the courthouse thereof, on the first Monday in May and on the first Monday in October in every year. And a superior court of law shall in like manner be holden for the county of Northampton, at the courthouse thereof, on the third Monday in May and on the third Monday in October in every year, and each term of the said courts shall continue twelve juridical days, unless the business thereof shall sooner be finished.

Clerks of county courts to act till others are qualified.

17. *And be it further enacted,* That, from and after the last day of February next, the clerks of the several county courts, except the clerks of those counties in which district courts were holden, shall have full power and authority, and they are hereby required to act as clerks of the superior courts of their respective coun-

fies until a clerk for the superior court shall be appointed and qualified.

Provision relating to Williamsburg, James-City and York.

18. *And be it further enacted*, That the clerk of the district court of Williamsburg shall be the clerk of the superior court of James City, and not of the superior court of York, and all judgments rendered in the said district court before the first day of January last, which were on that day, wholly or in part unexecuted, shall be executed by the said superior court of James City. And in all cases where forthcoming bonds have been taken on any judgment rendered in the said district court, the superior court of James City shall have full power to award execution; and shall have and exercise all power relative to the same which the said district court had. And the said superior court of James City, and the clerk thereof, shall have the same power, and perform the same duties, relative to replevy bonds, and twelve months bonds, which the said district court had, and the clerk thereof might have performed.

In what cases concurrent jurisdiction with county courts.

19. *Be it further enacted*, That the courts established by this act and the acts to which this is an amendment, shall have concurrent jurisdiction with the quarterly courts in all matters of detinue and trover.

Judges may exchange circuits.

20. *And be it further enacted*, That it shall and may be lawful for the judges of the courts established by this act, at any time to exchange with each other the circuits to which they may be assigned; which exchange shall be perpetual.

Repealing clause.

21. All acts and parts of acts coming within the purview of this act shall be and the same is hereby repealed.

Commencement.

22. This act shall commence and be in force from and after the passing thereof.

CHAP. VII.

See Rev. C. 2d vol. p. 58, 83, 100; and sessions acts of 1803, ch. 91—1804, ch. 13—1805, ch. 70; also *post*, ch. 49 and 1809, ch. 19.

An Act to amend the Act, entitled "An Act, to amend the Act, entitled an Act for reducing into one, the several Acts, for regulating the Inspection of Tobacco.

[Passed January 24, 1809.]

Provision where tobacco shall remain undemanded 3 years in public ware-houses.

1. BE *it enacted by the General Assembly*, That when any tobacco hath remained or shall hereafter remain undemanded in a public ware-house three years after the same hath been or shall be inspected, or where any inspected tobacco shall have been or may hereafter be brought from an upper to a lower warehouse, and shall remain undemanded in the same for three years from the time of its reception therein, the inspectors shall advertise in any newspaper published in this commonwealth, most convenient to the ware-house where the tobacco may be, for three weeks successively, a list of the marks, numbers and weights of such tobacco, with the names of the persons for whom it was inspected:—And if no owner appears to claim the same within three months, they shall, at the next court to be holden for the county in which such ware-house shall be, after the expiration thereof, and advertising as aforesaid, deliver to the court the like list, which court is hereby empowered and required to order the same to be publicly sold at the court-house door, on a court day, to the highest bidder: The clerk of such court shall transmit within three months to the auditor of public accounts, a list of such tobacco so direct-

ed by the court to be sold, and the money arising from the sale thereof shall be paid by the inspectors to the treasurer of this state for the time being, on or before the tenth day of October then next following, who shall account for the same from time to time, to the General Assembly; and if any person, having a right to any tobacco, so sold, shall prove the same thereto, the said treasurer shall repay the same to such person or persons for whom such tobacco was sold.

Penalty on inspectors for failing to pay.

2. *And be it further enacted*, That on the failure of such inspector or inspectors to pay into the treasury of this commonwealth, within the time hereinbefore mentioned, the money arising from the sale, or sales of such tobacco, or on his or their failure to pay any other money, which shall be due and payable from him or them to the commonwealth, according to law, it shall and may be lawful for the auditor of public accounts, having given ten days previous notice on his or their bond or bonds, to recover judgment in the general court, on motion against such inspector or inspectors, his or their security or securities, or his or their executors or administrators, for the amount so remaining due and unpaid with costs.

May be sued on their bonds.

3. *And be it further enacted*, That any person or persons injured by the breach of the condition of any bond or bonds heretofore or hereafter given by any such inspector or inspectors, may and shall, at his, her or their costs and charges, commence and prosecute suits on such bond or bonds in the name of the Governor or Chief Magistrate, or his successors, against the parties therein bound; their executors or administrators, and shall and may recover all damages which he, she or they may have sustained by reason of the breach of the condition or conditions of such bond or bonds; in which suit or suits, a copy of such bond or bonds shall be legal evidence, if certified by the clerk of the court of that county in which it shall have been taken, unless the defendant or defendants shall plead "non est factum," in which case the original shall be produced. And such bond or bonds shall not become void upon the first recovery, or if judgment shall be given against any plaintiff or plaintiffs who shall sue thereon; but suits may be prosecuted thereon, from time to time, for the benefit and at the proper costs and charges of any party injured, until the penalty expressed in such bond or bonds shall be recovered: *Provided always*, That if any verdict or judgment shall pass for the defendant or defendants in any such suit, the person at whose instance such suit shall have been brought or prosecuted, shall pay such defendant or defendants, his or their costs.

Storage to be paid.

4. *And be it further enacted*, That the proprietor or proprietors of all tobacco shall pay the same storage as heretofore, and that the commonwealth be bound to make good all and every loss, which any person or persons may sustain by his or their tobacco, so stored, being destroyed by fire within any period of time not exceeding two years from the date of its inspection.

Commonwealth, how long responsible.

Remedy where inspector's receipt may be lost.

5. *And be it further enacted*, That if any inspector's receipt or receipts hath been or shall be actually lost, mislaid or destroyed in the lifetime of the person or persons entitled to receive the tobacco by virtue of such receipt or receipts, or between the death of such person or persons, and the qualification of his, her or their executors or administrators, the executors or administrators of such person or persons shall be entitled to receive a duplicate of the same: *Provided*, The number and date of every such receipt

or receipts, to whom and where payable and for what quantity of tobacco the same was given, and that such receipt or receipts are lost, mislaid or destroyed, and that he, she or they are lawfully entitled to receive the tobacco therein mentioned, be sworn to before any justice of the peace of the county where the same was payable, either by the executor or administrator, or any indifferent person. And the executor or administrator shall, in other respects, pursue the mode prescribed by the forty-first section of the act, entitled, "An act for reducing into one the several acts of assembly for the inspection of tobacco," passed the twenty-ninth of November, in the year seventeen hundred and ninety-two. See Rev'd Code, 1st vol. p. 267.

5. This act shall commence and be in force from the passing thereof. Commencement.

CHAP. VIII.

An Act to explain an Act, entitled an Act, reducing into one the several Acts of Assembly, for the Inspection of Tobacco. See Rev'd Co. 1st vol. p. 259.

[Passed February 4, 1809.]

WHEREAS doubts have arisen, whether inspectors of tobacco should be allowed any compensation by the public for any hands which have to attend the ware-houses under their care by the sixteenth section of the law entitled "An Act reducing into one the several acts of assembly for the inspection of tobacco; to obviate which, Preamble.

1. Be it *enacted*, That they shall not be allowed by the commonwealth any compensation for the services of such hands. No compensation for hands, &c.

2. This law shall commence and be in force from the passing thereof. Commencement.

CHAP. IX.

An Act, authorising the President of the United States to open an Inland Navigation from the Chesapeake Bay or the Port of Norfolk, to the Channel of Currituck Sound, and from Lynhaven Bay to the eastern branch of Elizabeth River.

[Passed January 30, 1809.]

1. Be it *enacted by the General Assembly*, That it shall be lawful for the President of the United States, and he is hereby authorised, so soon as the assent of Congress shall be given thereto, and the necessary sum of money appropriated therefor, to open an inland navigation, from the Chesapeake Bay, or the port of Norfolk, to the channel of Currituck Sound, and also from Lynhaven Bay to the eastern branch of Elizabeth River. President of the U. States may cause inland navigation to be opened.

2. This act shall commence and be in force from the passing thereof. Commencement.

CHAP. X.

An Act to explain and amend the Act, entitled "an Act, for reducing into one, the several Acts concerning the Land-Office, ascertaining the terms and manner of granting waste and unappropriated Lands, for settling the titles and bounds of Lands, directing the mode of processioning, and prescribing the duty of Surveyors.

See Rev. C. 1st vol. ch. 86, p. 141, 151.

[Passed February 1, 1809.]

Preamble.

WHEREAS by the fortieth section of the act entitled "an act, for reducing into one, the several acts concerning the Land Office, ascertaining the terms and manner of granting waste and unappropriated lands, for settling the titles and bounds of lands, directing the mode of processioning, and prescribing the duty of surveyors," it is among other things provided in general terms, that all persons, as well foreigners as others, shall have a right to assign warrants or certificates of survey for lands, without prescribing any particular mode of assignment; and whereas it is represented to this present General Assembly, that there are many land warrants outstanding, which have been transferred, sometimes by the mere endorsement of the name of the holder, and at others by assignment, without attestation, and doubts have arisen, whether in such cases it would be proper for the Register of the Land Office, to grant to the present holders, new warrants, in exchange for warrants so transferred and assigned;

Ibid, p. 147.

Exchange warrants, how to be granted.

1. *Be it enacted*, That the Register of the Land Office may, and he is hereby authorised & required, on the application of the present holder or holders thereof, to receive any land warrant heretofore issued, although such warrant may have been transferred by the mere indorsement of the name or unattested assignment of the original purchaser, or any subsequent holder, and to grant other warrants in exchange therefor in the mode heretofore prescribed by law; *Provided always*, That no such exchange shall be made, unless the applicant therefor shall have previously annexed to such warrant his own affidavit, stating that, so far as he knows or believes, the indorsements or assignments appearing on such warrant have been made fairly and bona fide; and that he or those in whose name or names such exchange is sought is or are the true and rightful proprietor or proprietors of such warrant.

Proviso.

Original warrants, with affidavits, to be preserved. Duties of Register.

2. *And be it further enacted*, That such original warrant, with the affidavit thereto annexed, shall be carefully filed away by the Register of the Land Office; and it shall be his duty to publish quarter yearly in some newspaper published in the city of Richmond, a list of all original warrants, for which exchange warrants have been granted; noting therein the date of such original, the right on which it issued, the quantity of land, the name of the original holder, of every indorser, assignor and assignee, and the name and residence of the person or persons to whom exchange warrants have been granted therefor; *Provided*, That nothing herein contained shall be construed as impairing or in any manner affecting the rights of individuals to such original warrant, other than those to whom such exchange warrants may have been granted; but such individuals may be at liberty to contest the rights growing out of such warrant in the same manner as if this act had never passed.

Proviso.

3. *And be it further enacted*, That no treasury land warrant hereafter issued shall be assignable but by written assignment on the back of such warrant, attested by two or more witnesses; and that no new warrants shall be hereafter granted in exchange for such warrant, unless it shall be signed in the manner required by this section. Warrants, how assignable.

4. *And be it further enacted*, That in future the fees for copies of the Register of the Land Office, to be by him paid into the public treasury, shall be as follows: for a copy of a grant, or patent of land, where the same doth not exceed four hundred words, sixty-three cents; and for every thirty words thereafter, three cents; for a copy of a plat and certificate of survey, where the same doth not exceed ten courses, sixty-three cents, and for every course thereafter, two cents; and for any other copy or certificate, where the fee is not already fixed by law, and doth not exceed two hundred words, twenty-five cents; and for every thirty words thereafter, three cents, and no more, any law to the contrary notwithstanding. Fees to be paid.

5. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XI.

An Act concerning Special Courts of Appeals.

[Passed February 2, 1809.]

1. BE *it enacted by the General Assembly*, That whensoever a judge of the court of appeals shall be disabled by sickness or infirmity from attending the said court during one whole term thereof, and it shall appear probable in the opinion of the other judges that the disability will continue during the next succeeding term, and if at the same time one or more of the remaining judges of the said court be interested in any suit or suits pending therein, so that, from the combined causes of disability and interest, a court cannot be formed for the trial of such suit or suits, a special court shall be summoned for the purpose of trying such suit or suits, in the same manner, and under the same regulations as prescribed by the fifth and sixth sections of the act entitled "An act, for reducing into one act, the several acts concerning the court of appeals and special court of appeals." Provision for holding special courts of appeals in certain cases. ☞ See R. Code, 1st vol. p. 61.

2. The said court when in session shall be attended by the same officers, have the same powers and allowances, take the same oaths, and be governed by the same regulations, as are prescribed by the seventh, eighth, ninth and tenth sections of the before recited act. Regulations, &c.

3. This act shall commence and be in force from and after the passage thereof. Commencement.

CHAP. XII.

An Act concerning the service of Warrants for small Debts.

[Passed February 3, 1809.]

1. BE *it enacted by the General Assembly*, That it shall not be lawful for any sheriff or deputy sheriff, to serve any warrant issued by any justice of the peace, requiring any person or persons to appear before any justice of the peace, to answer in any Sheriffs and deputies not to serve warrants.

suit for debt, detinue or trover, which may be cognizable and determinable by any one justice of the peace; but such warrant shall be directed to, and served by some constable, agreeably to the second section of the act entitled "An act to amend the act concerning constables," passed the tenth day of January one thousand eight hundred and seven.

☞ R. Code, vol. 2, page 124, and Sess'ns. acts of 1806, ch. 19.

Provision where constable dies, &c.

2. *And be it further enacted*, That on the death, resignation, removal or refusal to act, of any constable assigned by the court of any county to any particular district thereof, it shall be lawful for any other constable of such county to perform the duties of a constable within that district where such death, resignation, removal or refusal may have happened.

Executions on warrants to be directed to a constable.

3. *And be it further enacted*, That all executions awarded on judgments, rendered by any justice of the peace, for debt, detinue or trover, shall be directed to some constable of the county, who shall levy and return the same agreeably to the provisions of the above-mentioned act.

Commencement.

4. This act shall be in force from and after the first day of May next.

CHAP. XIII.

An Act concerning the Clerks of the County Courts.

[Passed February 13, 1809.]

Clerks of county courts, when to act as clerks of superior courts.

1. BE *it enacted by the General Assembly*, That, from and after the last day of this present month, the clerks of the several county courts, except the clerks of those counties in which district courts were holden, the clerk of Prince-George and the clerk of James City county, shall have full power and authority, and they are hereby required to act as clerks of the superior courts of their respective counties, until a clerk for the superior court shall be appointed and qualified. The clerk of the county court of York shall, in like manner, from the last day of this month act as clerk of the superior court of that county until a clerk shall be appointed and qualified.

Clerk of Petersburg court to be clerk of Prince George.

2. *And be it further enacted*, That the clerk of the district court of Petersburg, shall be the clerk of the superior court of Prince George and not of Dinwiddie, and that from and after the last day of this present month, the clerk of the county court of Dinwiddie shall have full power and authority, and he is hereby required to act as clerk of the superior court of Dinwiddie until a clerk of the said superior court shall be appointed and qualified.

Repealing clause.

3. *And be it further enacted*, That so much of any former law as authorises the clerks of county courts to act as clerks of the superior courts, from the last day of February next, until the appointment and qualification of clerks for the said superior courts, shall be, and the same is hereby repealed.

4. All acts and parts of acts within the purview of this act, are hereby repealed.

Commencement.

5. This act shall be in force from and after the passing thereof.

CHAP. XIV.

An Act to organize and establish Superior Courts of Law in the Counties of Accomack and Northampton, and for other purposes.

[Passed February 9, 1809.]

1. BE *it enacted by the General Assembly*, That, in addition to the circuits formed by the act entitled an act, to amend the act entitled an act to organize and establish a superior court of law in each county of this commonwealth, the counties of Accomack and Northampton shall form a fourteenth circuit, and an additional judge of the general court shall be appointed therefor, who shall reside within the circuit and receive a salary of seven hundred and fifty dollars, to be paid as the salaries of other judges are paid. A superior court of law shall be holden for the county of Accomack at the courthouse thereof, on the first Monday in May, and the first Monday in October in every year. A superior court of law shall in like manner be holden for the county of Northampton, at the courthouse thereof, on the third Monday in May and the third Monday in October. And each term of the said courts shall continue twelve judicial days, unless the business thereof shall be sooner finished.

Counties of Accomack & Northampton to constitute a fourteenth circuit.

Additional judge to be appointed therefor.

Court, when to be holden.

2. *And be it further enacted*, That the several acts to which this is supplemental shall be considered as extending to the fourteenth circuit in the same manner as to the other circuits in the commonwealth.

Acts relating to the subject in force.

3. So much of the act of February last, to which this is supplemental, as relates to the quarterly courts of Accomack county, shall be repealed; and all recognizances and process, which are made returnable to the quarterly court in February, shall be returned to the quarterly court to be held in March.

Law relating to court of Accomack repealed.

4. *And be it further enacted*, That a superior court of law shall be holden for the county of Louisa, on the third Monday after the fourth Monday in April, and on the third Monday after the fourth Monday in September in every year, instead of the times prescribby the before recited act, passed the fourth day of the present month; and the county court of Louisa shall hereafter hold a court of quarterly sessions in the month of June instead of May in each year.

Time of holding superior court in Louisa.

5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. XV.

An Act providing for the redemption of certain Lands forfeited by the Non-payment of the Taxes thereon.

[Passed February 6, 1809.]

☞ See *post* ch. 46, 70, 98, 99—and Sessions acts of 1809, ch. 16—1810, ch. 16, and 1811, ch. 18, 19.

1. BE *it enacted by the General Assembly*, That all lands heretofore forfeited, or hereafter to be forfeited to the commonwealth for the non-payment of taxes, by virtue of the laws now in force, shall be redeemable at any time within three years from the time when such forfeiture hath heretofore accrued, or shall hereafter accrue, and until the first day of March next succeeding the expiration of the said term of three years, on payment of the taxes due thereon, with an interest of ten per centum per annum, on each year's tax, from the time when the same became or

Lands forfeited, when and how redeemable.

☞ See acts of 1809, ch. 16, sec. 9—*post* ch. 46.

shall become due, until the time of such redemption: *Provided nevertheless*, That all lands heretofore forfeited shall be redeemable in like manner, and on payment of the like interest, on or before the first day of March, in the year one thousand eight hundred and ten.

Duty of the auditor. *Ibid*, sec. 10.

2. *Be it further enacted*, That the auditor of public accounts shall, on or before the first day of March, in the year one thousand eight hundred and eleven, and on or before the first day of March in every year thereafter, deliver to the collector of the taxes of each county, a list of all such forfeited lands therein on the first day of March preceding had become irredeemable, which list shall be forthwith posted or hung up in the most public place in the courthouse of the county.

And collectors.

Collectors, how to proceed. *Ibid*, sect. 11.

3. *Be it further enacted*, That on the first Monday in August in the year one thousand eight hundred and eleven, and on the first Monday of August in every year thereafter, the collectors shall proceed, by public auction, at the door of the courthouse of each county, to sell to the highest bidder each tract of land contained within the list of such forfeited lands as were irredeemable on the first day of March in the preceding year, for ready money.

When lands shall not be sold.

4. *Be it further enacted*, That if, at any such sale, the former owner or owners of any forfeited tract of land so about to be sold, or any person for him, her or them, or in his, her or their behalf, with or without any authority or direction for that purpose, shall appear and pay the taxes due thereon, with interest as aforesaid, until the time of such sale, such tract shall not be sold, but an entry of such payment shall be made by the collector on the list aforesaid, and a receipt for such payment given to the person making the same in the name of the former owner or owners, and thereupon such land shall be taken to be redeemed, and the forfeiture accrued thereon shall be, and the same is hereby, fully waved and remitted.

Duty of commissioners of the revenue.

5. *Be it further enacted*, That it shall be the duty of the commissioner or commissioners of the revenue, annually, on the first Monday of August, to attend at the courthouse of their respective counties, and to take and make out a list of all the sales so to be made by the collector, specifying the name or names of the former owner or owners, the sums paid and to whom sold; which list the commissioner or commissioners shall forthwith transmit to the auditor of public accounts, who shall charge the collector with the amount of sales appearing thereon.

Duty of and allowance to collectors.

6. *Be it further enacted*, That it shall be the duty of every collector to pay annually into the public treasury all such sum or sums of money as he shall receive by virtue of this act, deducting a commission of five per centum thereon; which payment shall annually be made on the same day on which the taxes collected in the same year shall be payable.

What sufficient to charge collectors.

7. *Be it further enacted*, That the lists of sale so certified and taken by the commissioners, or either of them, shall be sufficient to charge the collector or his security or securities, his, her or their heirs, executors or administrators therewith, on any motion to be made to recover the same by the auditor of public accounts. And if any collector shall make default in the payment of any monies by him received, by virtue of this act, at the time hereby required, such collector, and his security or securities, his, her or their heirs, executors and administrators, shall be liable to all such fines, interest, damages and costs, and to be recovered in the same

manner as in case of a default in the payment of the commonwealth's revenue.

Collectors selling lands to execute deeds, &c.

☞ See acts of 1809, ch. 16, sec. 13—*post* ch. 46.

8. *Be it further enacted*, That it shall be the duty of every collector making a sale by virtue of this act, to make and execute to the purchaser a deed in fee simple for the lands purchased, reciting the cause of sale; and in every action or suit at law or in equity, in which a former owner or owners of any tract of land so sold and conveyed, his, her or their heir or devisee, or other person or persons claiming under him, her or them, shall contest the validity of the sale so made, the onus probandi shall lie on the party so contesting.

Compensation to commissioners.

9. *Be it further enacted*, That the commissioner or commissioners, for discharging the duties required of them by this act, shall be entitled to receive from the public treasury a commission of one and an half per centum on the amount of sales, on a warrant from the auditor of public accounts.

Auditor to cause this act to be published.

☞ Sess'ns. acts of 1805, ch. 81—and 1806, ch. 3. R. Code vol. 2, page 106, and 136.

10. *Be it further enacted*, That it shall be the duty of the auditor of public accounts, at the public expense, to cause a copy of this act, and of an act passed the first day of February, in the year one thousand eight hundred and six, entitled "An act giving further time to the proprietors of certain lands forfeited for the non-payment of taxes, to redeem the same, and also of an act passed on the twentieth day of January, in the year one thousand eight hundred and seven, entitled "An act to amend an act entitled an act more effectually to provide for the payment of taxes upon lands within this commonwealth," to be published for six months successively in the present year, and for three months successively, preceding the first Monday of August, in the year one thousand eight hundred and eleven, to be published in some newspaper of general circulation, edited in each of the United States, if any such there be.

Where high sheriff is collector, he is to act in person.

Penalty on collectors for purchasing.

11. *And be it further enacted*, That the duties enjoined by this act to be performed by the collectors, shall, where the sheriff is collector, be performed by the high sheriff in person, and every purchase made, wholly or in part, by the sheriff or his deputy, or by any other person being a collector, or by any other person, wholly or in part, for the use of such sheriff, deputy sheriff or other person being collector, shall be void; and every sheriff, deputy sheriff or other person being a collector, making any purchase, either wholly or in part, for himself, or procuring any other person to make such purchase, wholly or in part, for the use aforesaid, shall forfeit and pay the sum of five hundred dollars, to the use of the public, to be recovered by bill, plaint or information, in any court of record having jurisdiction thereof.

Commencement.

12. This act shall be in force from the passing thereof.

CHAP. XVI.

An Act to repeal the Act entitled "An act, more effectually to prevent Malicious and Vexatious Suits."

☞ Revised Code vol. 2, pa. 1, and Sess'ns. acts of 1802, ch. 6.

[Passed February 2, 1809.]

Act repealed.

1. BE *it enacted by the General Assembly*, That an act passed on the second day of January, one thousand eight hundred and three, entitled "An act, more effectually to prevent malicious and vexatious suits," be and the same is hereby repealed.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XVII.

An Act to extend the remedy of the Commonwealth in certain cases in Chancery.

[Passed February 2, 1809.]

Suits in chancery in which the commonwealth is interested, to be prosecuted in Richmond.

1. BE *it enacted by the General Assembly*, That any suit in equity on behalf of the commonwealth in the name of the attorney-general or otherwise, may be instituted in the superior court of chancery holden at Richmond, whether the defendant or defendants in said suit reside in the district for which the said superior court of chancery shall be holden or not, and whether the property, real or personal, to be affected by the decree in said suit, shall be or lie within the said district, or in any other part of this commonwealth, or elsewhere; and that in such suits the process of the said superior court shall run into every part of the said commonwealth and that it shall possess the same power, to make any orders and decrees and to enforce the same by execution, attachment or otherwise, as if the defendant or defendants resided within the limits of the district for which it may be holden. And it may also decree the sale of property, real or personal, belonging to the defendants in any part of the said commonwealth.

Process to run into every part of the state.

Suits in which governor, &c. are defendants, to be prosecuted in Richmond.

2. All suits which may be hereafter instituted, in which it shall be proper or necessary to make the governor, attorney-general, treasurer or register of the land-office, as representing the commonwealth, a party defendant, or in which it shall be attempted to enjoin or otherwise suspend or affect any judgment of the general court on behalf of the commonwealth, or any execution issued thereon, shall not be brought or prosecuted in any court of chancery or court having chancery jurisdiction, except the superior court directed by law to be holden at Richmond.

Duty of chancery courts of Staunton and Williamsburg.

3. The superior courts of chancery holden at Staunton and Williamsburg, in case any such suits as are mentioned in the second section of this act shall now, or hereafter, before this act goes into operation, be depending in said courts, shall suspend any further proceeding therein, and shall transmit the records or original papers in said suits to the superior court of chancery at Richmond, where they shall be proceeded in as in other cases.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. XVIII.

An Act imposing Taxes for the Support of Government.

[Passed February 11, 1809.]

Taxes for the year 1809.

1 BE *it enacted by the General Assembly*, That the public taxes for the year one thousand eight hundred and nine, shall be as follows, to wit; on lands for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been or shall be exempted in consequence of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse or jack ass, twice the price such horse or ass covers a mare by the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary licence, five dollars on every hundred dollars of the rent of such ordinary, to be ascertained by the rent paid by the tenant; and where such tavern is in the occupancy of

the proprietor, the yearly value shall be ascertained by the commissioners of the revenue: *Provided*, that for every ordinary licence, not less than twelve dollars and fifty cents shall be paid; for every four wheel riding carriage, except phætons and stage waggons, one dollar and twenty-five cents per wheel; for all phætons and stage waggons, eighty-four cents per wheel; for every other riding carriage with two wheels, forty-three cents per wheel; for all houses and lots in town, one dollar and fifty-six cents on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant; and where such house or lot is in the occupancy of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by comparison of its value with that of other houses or lots actually rented; on every licence to sell merchandize of foreign growth or manufacture, by wholesale and retail, forty dollars; on every licence to retail such goods, fifteen dollars; on every licence to a hawker or pedlar, thirty dollars; on each appeal to the court of appeals from the superior chancery courts, and superior courts of law for the several counties in the commonwealth, two dollars: *Provided*, that no taxes shall be collected on lands, lots, houses or other property belonging to this commonwealth, or to any county, town, college or seminary of learning, or attached to any house or houses for divine worship; *And provided also*, that nothing in this act shall be so construed as to prevent any farmer or planter from selling salt, tea, sugar, molasses, coffee, spices, iron or steel, to his neighbours, when such articles were purchased as a return load on carrying his produce to market, in his waggon or otherwise.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XIX.

An Act for the Government and Regulation of the Manufactory of Arms.

☞ See farther regulations—Sess'ns acts 1810, ch. 6.—*Post* ch. 70.

[Passed February 17, 1809.]

1. BE it *enacted by the General Assembly*, That from and after the commencement of this act, a superintendant of the manufactory of arms, and a master and an assistant armorer shall be, during every annual session of the legislature, elected by joint ballot of both Houses of the General Assembly, and that the first election so to be made shall take place during the present session: *Provided nevertheless*, That if a vacancy in either of the said offices shall happen, during a recess of the General Assembly, or if any person so elected shall refuse to accept, or shall fail to give security as required by this act, the Executive shall make an appointment to supply the same, which appointment shall be in force until the next annual election, to be made by the General Assembly. Superintendant, armorer and assistant armorer, of the manufactory of arms, to be annually elected by the Assembly.

2. The superintendant, before he enters on the duties of his office, shall give bond with sufficient security to the executive, payable to the Governor and his successors, for the use of the commonwealth, in the penalty of fifty thousand dollars, conditioned for the due and faithful discharge of his duty, and shall moreover take an oath duly and faithfully to perform the same, and a like oath shall be taken by the other officers. Superintendant, to give bond and security.

Superintendant, to receive money appropriated for the armory from time to time,

3. The superintendant shall hereafter receive the money appropriated for carrying on the operations at the manufactory of arms, from time to time, in such portions, as may be necessary to be paid to those entitled thereto when due, for which he shall account at the end of every three months, with the auditor of public accounts; and it shall be the duty of the auditor to keep a fair and distinct account thereof, on the debit side, the sums so drawn, and the periods respectively when drawn, and, on the credit side, the disbursements made by the superintendant, including the time when made, to whom and for what object; and he shall moreover carefully file away all vouchers exhibited by the superintendant in discount.

And to account every three months. Duty of Auditor.

Contracts to be in writing, and deposited in Auditor's office.

4. Every contract hereafter entered into for work to be performed in making arms, or completing the buildings or machinery, or keeping them in repair, shall be in writing and deposited in the auditor's office, and every voucher admitted in discount shall be certified by the clerk of the manufactory of arms, and one master armorer, stating that the work therein stated, was done, or that the material, or other article furnished, was received for the manufactory of arms.

☞ See *post* ch. 51, and sessions acts of 1809, ch. 21—this section amended.

Clerk to keep distinct accounts of all transactions.

5. The clerk of the manufactory of arms shall keep fair and distinct accounts of all the transactions in any manner relating to the institution, not only that they may exhibit in detail all the disbursements of money, and labour performed, and articles furnished, but that the state of the concerns may at stated periods be seen in general results arising from all the details.

Officers prohibited from being concerned in the profits of any work done.

6. It shall not be lawful for any of the officers hereafter to be concerned, either directly or indirectly, in the profits of any labour to be performed, either in completing the buildings and machinery, and keeping them in repair, or in making arms, tools or utensils, or in furnishing any material or article necessary to carry on the operation; and every officer who shall violate the provisions of this section shall be removed from office, and subject to a fine of one hundred dollars, for the use of the commonwealth, and shall moreover be compelled to refund all sums received by him for performing such labour, or furnishing such materials.

Superintendant to preserve all orders of the Executive.

7. It shall be the duty of the superintendant to cause to be entered and preserved in a book to be kept for that purpose, all orders or directions of the Executive, and which shall be delivered to him in writing, respecting the manufacturing of arms, the buildings, and every thing that concerns the same: and all regulations adopted, for the government of the artificers and others employed or concerned, shall also be entered in like manner.

Joint committee to be annually appointed, to examine the armory.

8. It shall hereafter be the duty of the Speaker of the Senate, at the commencement of every session, to appoint three members of the Senate, and of the Speaker of the House of Delegates, to appoint thirteen members of the House of Delegates, who shall form a joint committee, whose duty it shall be, forthwith to enquire in what manner the operations at the manufactory of arms have been conducted for the preceding year, investigate the conduct of the officers, ascertain the quality of the arms made, examine into the expenditure of the money appropriated and drawn from the treasury, the number of arms made, and the different descriptions thereof, the number and quantity of component parts, and materials on hand, and their value, and the costs of the arms.

Materials, &c. on hand, to be ascertained.

9. It shall be the duty of the Executive, immediately to cause the number, quantities and value of the materials on hand, and com-

ponent parts, and the tools and implements to be ascertained and delivered to the superintendant hereafter to be appointed; and a list thereof shall be entered in the books of the armory.

10. All acts and parts of acts coming within the purview of this act, are hereby repealed; but this act shall not be so construed as to diminish the duties of the Executive, or impair their power, any further than is provided by this act. Rep'ling clause. Reservation.

11. This act shall be in force from the passing thereof. Commencement.

CHAP. XX.

An Act concerning the Overseers of the Poor.

[Passed February 16, 1809.]

1. BE *it enacted by the General Assembly*, That the Overseers of the Poor in each county shall hereafter hold their annual meeting on the first Monday in June in each year, and may adjourn from time to time, until the business assigned them by law shall be completed. Overseers of the poor, when to meet, & may adjourn.

2. This act shall be in force from the passing thereof. Commencement.

CHAP. XXI.

An Act authorising the Executive to Purchase Ammunition, and for other purposes.

(Passed February 17, 1809.)

☞ See *post* ch. 86, and sessions acts of 1811, ch. 6.

1. BE *it enacted by the General Assembly*, That the Executive of this state be, and they are hereby authorised, forthwith to procure or cause to be procured, one ton of powder and four tons of lead, for the exigencies of the state, to be deposited in such place of safe keeping in or near the city of Richmond, as they can lawfully procure, and to them may seem fit. Executive to purchase ammunition.

2. *And be it further enacted*, That the sum of two thousand one hundred dollars, to be paid on the order of the executive, out of any monies in the treasury not otherwise appropriated, be and is hereby appropriated to carry this act into effect. Appropriation therefor.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XXII.

An Act appropriating the Public Revenue.

[Passed February 18, 1809.]

1. BE *it enacted by the General Assembly*, That the taxes and arrearages of taxes not otherwise appropriated, due prior to the year one thousand eight hundred and nine, and all other branches of public revenue which arise to the commonwealth prior to the first day of January, one thousand eight hundred and ten, and the surplus of all appropriations heretofore made, shall constitute a general fund, and be appropriated in the following manner; for the expenses of the General Assembly, fifty-five thousand dollars; for the officers of civil government, sixty-seven thousand five hundred dollars; officers of militia, including adjutants general, brigade inspectors, clerks, adjutants, provosts marshal and musicians, five thousand four hundred and thirty-two dollars; criminal prosecutions, twenty thousand three hundred dollars; guards, five thousand two hundred dollars; slaves executed and transported, five thousand five hundred dollars; public services, Appropriation of the public revenue.

of circuit court clerks, two thousand eight hundred dollars; lunatic hospital, seven thousand five hundred dollars; public warehouses for inspection of tobacco, and inspectors' salaries, twelve thousand dollars; expense of removing criminals to penitentiary, and internal expenses, including officers' salaries, twenty thousand eight hundred forty-one dollars, twelve cents; interest on public debt registered, five thousand three hundred dollars; interest on money due to persons who paid British debts into the treasury, five hundred dollars; pensioners, five thousand one hundred dollars; instalment for the state's shares in the bank of Virginia, thirty-thousand dollars; one year's interest at four per cent. to the bank, six thousand dollars; commissioners of the revenue, thirteen thousand four hundred and fifty-three dollars; expense of representation to Congress, three hundred and sixty dollars; contingent expenses of government, fifteen thousand dollars; wolf scalps, three hundred dollars; building for the manufactory of arms, one thousand dollars; manufacturing of arms, forty thousand dollars; officers' salaries, four thousand five hundred dollars; foundery and boring mill, ten thousand dollars; expense of public guard for the protection of public property in the city of Richmond, from the first day of January, one thousand eight hundred and nine, till the first of January, one thousand eight hundred and ten, six thousand nine hundred dollars; to pay Charles Cox for painting done at the penitentiary, ninety-two dollars, seventy-four cents; for the payment of the former clerks of the district courts for services to be performed pursuant to the acts supplementary to the act establishing a superior court of law in each county, one thousand dollars.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XXIII.

☞ See Rev'd Code, 1st. vol. p. 124.

An Act to amend the act, entitled an Act, concerning Coroners.

[Passed February 4, 1809.]

Proceedings when coroners take possession of the estate of one who is found guilty of murder.

1. BE *it enacted by the General Assembly*, That whenever any Coroner shall take possession of the estate of any person found guilty of murder, agreeably to the tenth section of the act, entitled "an act, concerning coroners," he shall render to the court of his county an inventory and appraisement of such estate, as also a true account of all necessary disbursements and expenditures by him made out of such estate, and shall stand in every respect as an administrator; he shall be liable to the action or actions of each and all the creditors of the persons so found guilty of murder, who may think proper to sue for debts due them, and shall have and possess the power to receive and recover, by action, when necessary, any debt or debts which may be due the said murderer.

Proceedings when suit is bro't against a coroner.

2. *And be it further enacted*, That suits brought against any coroner, under this act, which may be depending and undetermined, at the time the murderer shall be taken, or may surrender himself, shall not, in consequence of such taking or surrender, be dismissed or discontinued, but shall progress as if such taking or surrender had not have happened. And it shall be lawful for such coroner to retain in his hands, so much of the estate of the person so found guilty of murder, as will be of value sufficient to pay and satisfy all judgments and costs, which may be ren-

dered against him in favor of any creditor or creditors of such person.

3. *Provided always*, That before any coroner shall enter upon the duties, and exercise the powers prescribed by this act, he shall make oath before the court of his county or corporation, that he will make a true and perfect inventory of all the goods, chattels, rights and credits of the accused, as also of his real estate, if any he hath, and return the same forthwith, to the court of such county or corporation; and shall moreover enter into bond and security in such penalty as shall be prescribed by the same court, conditioned for the faithful discharge of the duties imposed upon him by this act; which bond shall be payable to the judges or justices sitting in court, and their successors, and shall not become void upon the first recovery, but may be put in suit and prosecuted from time to time, by and at the costs of any party injured by a breach thereof, until the whole penalty be recovered thereupon: *Provided also*, That if the fugitive so found guilty of murder shall have left behind him, a wife, child or children, it shall be the duty of the court before whom the coroner shall take the oath and enter into the bond prescribed by this act, to allot to such wife, child or children, or the mother or guardian of such child or children, such portion of the estate, real and personal, of such fugitive, as to such court may seem meet, for his, her or their support and maintenance: And to that end such court shall appoint two or more fit persons as commissioners to make such allotment and render a report of their proceeding to the ensuing court. Nothing in this act contained shall be so construed as to authorise the coroner of any county or corporation to exercise the powers or duties of an administrator in case such fugitive shall die without being taken or surrendering himself in custody:—But, immediately on such death, the power of the coroner under this act shall altogether cease; and he shall account to the administrator who may be appointed under the general law of the land, or the executor who may have been appointed by the last will and testament of such fugitive, for all the goods, chattels and credits which may have come to his hands, and pay over and deliver to such administrator or executor whatever balance may remain in his hands. In like manner he shall, on the event of such death, deliver to the legal representatives of the decedent, all such real estate as may have come into his possession, and account for the profits thereof, while he remained possessed of the same. Proviso.

4. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XXIV.

An Act to amend the Penal Laws of this Commonwealth.

[Passed February 7, 1809.]

For further amendments, see *post* ch. 40, 84, 109, 110, 111, 112, and sessions acts of 1809, ch. 10—1810, ch. 30, sec 8—1811, ch. 29, 30, 31, 32.

1. BE *it enacted by the General Assembly*, That if any person shall voluntarily, wilfully and of purpose, destroy or conceal the last will and testament of any decedent, or any codicil to such last will and testament, or shall wilfully aid or assist in the destroying or concealing any such last will and testament, or any codicil thereto, with intent to prevent the probat thereof, or to defraud any devisee or legatee under such last will and testament, or codicil thereto, he or she so offending, being legally convicted thereof, shall be deemed guilty of felony, and Punishment for destroying a will.

shall be sentenced to undergo a confinement in the jail and penitentiary house for a period not less than one nor more than ten years.

Proceedings to be had where a grand jury present for felony.

2. *And be it further enacted*, When a presentment shall be made by a grand jury of this commonwealth, in any of the superior courts thereof, having criminal jurisdiction, of a felony committed by any person, and the person so presented would be entitled to a trial before an examining court of his or her county, it shall be the duty of the judge who presides when such presentment is made, to issue his warrant directed to any sheriff or constable for apprehending the person so charged, and commit him, her or them, to the jail of the county where the presentment shall charge the said offence to have been committed; and upon the person so charged being apprehended and committed to jail, the jailor shall immediately notify some justice of the peace, in and for his county, thereof: Which justice shall issue his warrant to the sheriff of his county, commanding him to summon the justices thereof, for the purpose of holding an examining court, upon the person committed, under the same rules and regulations examining courts are now directed to be held, upon persons charged with felony. And it shall be the duty of the said sheriff to summon the witnesses who gave evidence before the grand jury when the presentment was made (as well as any others) to attend the said examining court. A list of the names of the witnesses who gave evidence before the grand jury, shall be endorsed upon the warrant by the judge at the time of issuing the same.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

See also, sess'ns acts of 1811, ch. 27, *post* ch. 107.

CHAP. XXV.

An Act further to amend the several Laws respecting the Militia of this Commonwealth.

[Passed February 11, 1809.]

Courts of enquiry to cause tickets of fines to be made out.

1. BE *it enacted by the General Assembly*, That the clerks of the courts of enquiry shall in future make out tickets of fines in the same manner that county court clerks do for their fees, to be delivered to the sheriffs for collection, instead of a list as is now directed by law, and it shall be the duty of the sheriffs to return to the regimental courts of enquiry such of those tickets as they could not collect; and where it shall appear to such courts of enquiry that any of the tickets returned were not collected in consequence of the removal of such delinquent, it shall be the duty of the lieutenant colonel commandant to transmit the said tickets to the sheriff in whose county such delinquent or delinquents may reside, for collection: *Provided*, the regimental court of enquiry shall make an order, on the minute book of their proceedings, to that effect. A list of all such fines so to be transmitted by the lieutenant colonel commandant shall, by the clerk, be certified to the auditor of public accounts, together with the receipt which shall be taken by the lieutenant colonel commandant from the sheriff to whom such tickets were given for collection, which receipt shall be good evidence, whereupon to charge the sheriff therewith; and such sheriff shall be liable for and proceeded against in like manner as for other militia fines now directed by law. When any lieutenant colonel commandant shall fail or neglect delivering

Proceedings where they are not collected.

List to be certified to the auditor.

Penalty on officer neglecting, &c.

such tickets, taking a receipt, and transmitting the same to the auditor of public accounts, being instructed so to do as before directed by the regimental court of enquiry, he shall for every offence forfeit and pay a sum not exceeding fifty dollars, to be adjudged of by the regimental court of enquiry.

List of tickets not collected to be set up.

2. *Be it further enacted*, That the clerks of the respective courts of enquiry in the commonwealth shall, at the two successive courts for their county next following each regimental court of enquiry, set up at the front door of the courthouse, in alphabetical order, a fair and distinct list of all the tickets which may be returned by any sheriff, as insolvent, removed or otherwise, and shall note, in such list, against every man's name, the sheriff's return on such ticket.

Compensation to clerks of courts of enquiry.

3. *And be it enacted*, That each clerk of the respective courts of enquiry shall be entitled to and receive for every list so made out and set up as before directed, a sum not exceeding four dollars, and shall for every failure thereof, forfeit and pay a sum not exceeding thirty dollars, to be adjudged and collected as other militia fines.

Governor to cause requisitions to be armed, &c.

See also, sess'ns acts of 1811, ch. 6, sect. 2, *post* ch. 86.

Proviso.

4. *And be it enacted*, That the governor, with the advice of the council of state be, and he is hereby authorised to cause to be armed and equipped, according to law, when called into actual service, the late or any future requisition of the president of the United States, with any arms or accoutrements belonging to this state; any law to the contrary notwithstanding: *Provided however*, That this section shall not be carried into effect until he shall have received assurances from the government of the United States for the return of those arms, and for the reparation of all losses and injuries which they may sustain.

Drummers and fifers to attend the training of the officers.

5. *And be it enacted*, That it shall be the duty of all drummers and fifers who may be enlisted by the commandant of any regiment to attend the regular and annual training of the officers; and, for failing to attend and perform their duties, for every such failure in either of them, they or either them shall be fined in a sum not exceeding five dollars, to be adjudged of as other fines.

Surgeons and their mates to attend regimental courts of enquiry.

6. *Be it enacted*, That it shall be the duty of the surgeon and surgeon's mate to attend the regimental courts of enquiry, and, for failure thereof, shall be fined in a sum not exceeding ten dollars, to be assessed and collected as other fines.

Fines for not attending meetings of regiments, &c. in certain cases.

7. *Be it further enacted*, That all officers and soldiers failing to attend any call or meeting of any regiment or battalion, when required by the colonel commandant of the regiment or the major of his battalion, upon any requisition from the governor, major general or brigadier general for any quota of troops, shall be subject to the same fines and penalties as for failing to attend regiment or battalion musters.

Commencement.

8. This act shall commence and be in force from and after the passing thereof.

See Rev'd Code, 1st vol. p. 85, and the case of Wilkinson vs. Mayo, 3 H. & M. 565.

CHAP. XXVI.

An Act concerning the jurisdiction of County and Corporation Courts, in certain cases.

[Passed February 10, 1809.]

Preamble.

WHEREAS doubts have arisen whether the probat of wills, the granting of letters of administration upon intestate's estates, and the admission of deeds to record, at the quarterly terms, of the county and corporation courts, is legal; for remedy whereof,

Certain cases in which quarterly and monthly courts have exercised concurrent jurisdiction, declared valid.

1. *Be it enacted by the General Assembly*, That in all questions which shall hereafter arise, in any court of law or equity, touching the probat of wills, the granting of letters testamentary, or letters of administration heretofore made or granted at quarterly terms of the county and corporation courts, such probat, letters testamentary, or letters of administration, shall be taken and adjudged to be as good and valid to every intent and purpose as if the same had been made or granted at a monthly term.

Provision in certain cases.

2. *Be it further enacted*, That in all questions which shall hereafter arise on any deed heretofore proved wholly, or in part, at a quarterly term of a county or corporation court, and admitted to record, and in which the execution of such deed shall be drawn in question, the probat thereof, and the order so made shall be taken, as against the grantor, bargainor or lessor, his heirs and devisees, and as against all subsequent purchasers, who shall become so after the passing of this act, or who heretofore have become purchasers with notice; and also as against all those claiming under such future purchaser or former purchaser with notice, to be as good and sufficient evidence of the execution of such deed as if such probat and order had been made at a monthly term.

Concurrent jurisdiction, when.

3. *And be it further enacted*, That county and corporation courts shall have hereafter concurrent jurisdiction, at their monthly and quarterly terms, to receive the probat of deeds and wills, and to grant letters of administration and letters testamentary.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. XXVII.

Rev'd Code, 2d. vol. p. 133, and sessions acts of 1806, ch. 4.

An Act to amend an Act, entitled an Act, to empower the Executive to appoint persons to collect Arrears of Taxes.

[Passed February 11, 1809.]

Agents appointed to collect arrears of taxes, how to proceed.

1. BE *it enacted by the General Assembly*, That the agents appointed, or hereafter to be appointed, by virtue of the act, entitled "An act to empower the Executive to appoint persons to collect the arrears of taxes," shall proceed to collect all arrears of taxes due this commonwealth, including those appropriated by several acts of the General Assembly to particular objects, prior to the first day of November, one thousand eight hundred and six.

To have power of distress.

2. The said agents or any person or persons acting under their authority, shall have like power of distress within their respective districts, as other collectors of public taxes have by law.

Such agents to give bond and security.

3. All persons appointed by the agents, and accepting to assist in the collection of the arrearages of taxes, shall, before they proceed to collect, give bond and security, and take an oath for the

faithful discharge of the duties of their office of collectors, and they and their securities shall be subject to a recovery in a summary way by the agent, as deputy sheriffs and their securities are to their principals.

Duties of the auditor.

4. It shall be the duty of the auditor of public accounts, upon the application of the agent, to make out transcripts of the commissioners' books, for all arrears of taxes due to the commonwealth within his district, prior to the first day of November, one thousand eight hundred and six; and such transcripts shall be considered authority by which the agent, or those acting under his authority shall proceed to collect.

Agents to take receipts of sheriffs, &c.

5. *And be it further enacted*, That it shall be the duty of the agents to take receipts of the sheriffs or other officers to whom executions in behalf of the commonwealth are delivered; and in case they fail to return the process so delivered, and the monies collected or bonds by them taken to the agent delivering such process on or before the return day mentioned in such execution, a copy of the receipt shall be transmitted by the agent to the auditor of public accounts, which shall be deemed sufficient evidence for the auditor to obtain a judgment against such delinquent sheriff or other officer for failing to return such process.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. XXVIII.

☞ See R. Code, 2d vol. p. 141. and sess'ns acts of 1806, ch. 30.

An Act to amend an Act, entitled an Act, concerning the distribution of Public Arms.

[Passed February 16, 1809.]

Public arms, how to be distributed.

1. BE *it enacted by the General Assembly*, That it shall be the duty of the Executive to distribute the public arms now in the capitol and armory, and those hereafter manufactured, by forwarding them to the colonel commandants of each regiment; so as that there shall not remain at any time undistributed a greater number than six thousand muskets, three hundred rifles, and one thousand five hundred swords.

Number to be retained.

Old arms to be repaired.

2. It shall be the duty of the Executive, forthwith to cause such public arms in the city of Richmond not distributed, as are out of order and capable of being rendered completely serviceable at less expense than it would cost to fabricate new arms fit for use, to be repaired by private contract or otherwise, so as to render them fit for use, at the least possible expense to the commonwealth, to be determined by authentic estimates of the various modes of repair in the election of the Executive: nor shall any of said arms be deemed incapable of repair according to the meaning of this act, unless first viewed and reported in writing so to be, by at least three disinterested artists, skilled in the manufacture of arms, previously sworn to declare the truth of the case.

Artillery to be distributed.

See 2d vol. Rev'd Code, p. 159, and sess'ns acts of 1807, ch. 8.

3. *Be it enacted*, That as the Executive cause to be mounted on sufficient carriages, any piece or pieces of artillery, belonging to this commonwealth, agreeably to "an act for the defence of the eastern frontiers of this commonwealth," it shall be lawful for the governor with advice of council, to cause the same to be distributed, in such manner as the service of the state may require.

Repairs of arms, how to be paid for.

4. *And be it enacted*, That the amount expended in the said repairs, shall be paid out of any money in the treasury not otherwise appropriated.

Repl'ing clause. 5. All acts and parts of acts, within the purview of this act, shall be, and the same are hereby repealed.

Commencement. 6. This act shall be in force from the passage thereof.

CHAP. XXIX.

See Rev'd Code, vol. 2d, Appendix No. VIII.

An Act concerning the Mutual Assurance Society against Fire on Buildings of the State of Virginia.

[Passed February 16, 1809.]

Preamble. WHEREAS it has been represented to the present General Assembly by a committee duly appointed by the Mutual Assurance Society against fire on buildings of the state of Virginia, that it will greatly tend to the prosperity thereof, if the changes herein after mentioned be made in the constitution of the said society:

General meeting may limit the manner of assurance. 1. *Be it therefore enacted by the General Assembly*, That any interest in a building may be assured in the said society in such manner and on such terms as the general meeting thereof, or the committee herein after mentioned may limit and appoint.

Office of president, directors and cashier general abolished. 2. *And be it further enacted*, That the offices of president, directors, and cashier general of the said society, be and the same are hereby abolished: and all monies received, or collected for and on account of the said society shall, by the person, or persons receiving or collecting the same, be paid into the bank of Virginia, on warrant from the principal agent, who shall acquit the person or persons paying the same upon the production of a receipt from the cashier, or other proper officer of the bank.

Money to be paid into the Bank.

General meeting to appoint a committee. 3. *Be it further enacted*, That instead of the office of president and directors, there shall be appointed by each annual general meeting a committee to consist of as many of the members of the said society, as they shall from time to time think proper for the better ordering the affairs of the said society, who shall continue to discharge all the duties to be assigned them by the general meeting until a new appointment be made, and who shall meet quarterly or oftener if they think proper, or are required so to do by the principal agent; any three of whom shall form a quorum, and before whom the principal agent shall exhibit the record of his proceedings and the vouchers for his expenditures during their recess; and who shall examine, settle and report his accounts to the general meeting, and who shall keep a journal of their proceedings and have power from time to time to make any rules and regulations as to the government of the said society, and exercise all the powers now exercised by the president and directors, except what may be assigned to any other person or persons by the general meeting of said society; and which shall have full force and effect, unless rescinded by the general meeting, before whom they shall lay the journal of their proceedings.

Duties of said committee.

Vacancies in said committee, how to be supplied. 4. *And be it further enacted*, That in case of the death, resignation or refusal to act, of any of the members of the said committee so to be appointed, the vacancies occasioned thereby shall be supplied in such manner as the general meeting of the said society have or may direct.

Oath to be taken by principal agent. 5. *And be it further enacted*, That the principal agent for the time being, before he exercises the duties of his office, shall take the following oath, to wit: I do solemnly swear, that I will

well and truly, to the best of my skill and abilities, faithfully perform the duties of my office of Principal Agent of the Mutual Assurance Society against fire on buildings of the state of Virginia, so long as I continue in office—so help me God; and moreover give bond and security to be approved of by the said committee in such penalty as the general meeting of the said society shall direct, conditioned for the faithful discharge of the duties of his office, and who shall receive such salary as the general meeting from time to time may allow, and continue in office until a new appointment shall be made.

No quota to be assessed.

6. *And be it further enacted*, That hereafter no quota or quotas shall be assessed upon the members of the said society; nor shall any member who may have paid his original premium cease to be insured, notwithstanding he may have failed to pay any additional premium, quota or parts of a quota heretofore required, and that the general meeting of the said society or the committee aforesaid be and they are hereby authorised to require the members of the said society, or such as may hereafter become members, to pay annually for the next succeeding ten years, such part of the original premium, as they have or may deem proper, to be collected and accounted for in the mode hereinafter directed; *Provided*, That such annual sum do not exceed one fifth of the original premium in the towns, and one seventh in the country; *And provided also*, That no person or persons be required to pay such part of a premium, until the first day of January next, after he shall have paid such original premium.

Person who has paid premium not to cease to be insured for non-payment of quota, &c.

What part of original premium may be called for.

Proviso.

Provision for re-valuation.

7. *And be it further enacted*, That from and after the passing of this act, the principal agents of the said society may proceed with the appraisers to re-value any buildings not yet re-valued since the last periodical term of re-valuations, and at such periodical re-valuations as the general meeting may hereafter direct, which may have been, or may be declared for insurance in the said society, in such manner and under such regulations as the general meeting of the said society, or the committee aforesaid may limit and appoint, and that no new declaration and signature of the proprietor or proprietors shall be necessary; and that the certificates of such special agent and appraisers, shall be as effectual, as the declarations of re-valuation now required; any law, usage or custom to the contrary notwithstanding.

Members, how to withdraw.

8. *And be it further enacted*, That any member of the said society, or any person who may hereafter become a member thereof, may withdraw in such manner and under such regulations as the general meeting of the said society have, or may hereafter limit and appoint.

Provision where general agent is incapable of acting.

9. *And be it further enacted*, That in case of death, resignation or inability to act of the principal agent during the recess of the general meeting of the said society, the said committee be and they are hereby authorised to appoint a principal agent, upon such terms, and in such manner as the general meeting have or may direct; and who shall take the same oath, and give like bond and security to the said society, to be approved by the said committee, as is herein required to be given by the principal agent, who thereupon shall be qualified to execute all the duties of the office, until such disability be removed, or until the next annual appointment.

Papers, when valid.

10. *And be it further enacted*, That all original papers or copies

from the records of the general office of the said society, attested by the principal agent for the time being, and all policies signed by him, shall be effectual in law, as if authenticated in the mode heretofore prescribed by law, & shall be as good evidence in all the courts of this commonwealth as the originals if produced would be, or as if authenticated in the mode heretofore prescribed.

Rep'ling clause.

11. *And be it further enacted*, That all acts and parts of acts coming within the purview of this act, shall be and are hereby repealed: *Provided nevertheless*, that nothing herein contained shall be construed to affect any contracts made with, or debts and claims heretofore due to or from the said society: and that the principal agent shall and may in all cases represent the persons heretofore in office, concerning all things to be done by them respectively, under such regulations as may have been or shall be adopted by the said society.

Proviso.

Reservation.

12. Nor shall any thing herein contained, affect any remedy or remedies, which the society may at present have against the property insured.

CHAP. XXX.

An Act giving further time to the James River Company, to complete the Navigation thereof.

[Passed January 20, 1809.]

Two years allowed to improve upper navigation.

1. BE *it enacted by the General Assembly*, That the further time of two years, to be computed from the passing of this act, shall be and the same is hereby allowed the James river company, to make the river well capable of being navigated in dry seasons, by vessels drawing one foot water at least, according to the terms of their charter; and that in the mean time they be allowed to receive the tolls established by law.

Majority of commissioners heretofore appointed, to view said river. See Rev'd Code, and sess'ns acts of 1804, ch. 30. 2d vol. Appendix No. 1, p. 8.

2. A majority of the commissioners heretofore appointed, shall have power to view and explore the river according to the provisions of the act, passed on the thirty-first day of January, one thousand eight hundred and five, entitled "An act concerning the James river company."

Five years allowed for connecting with tide water.

Appendix No. I, p. 8.

3. *And be it further enacted*, That the said company shall be allowed the further time of five years from the passing of this act, and no longer, for opening the navigation of said river to tide water, according to the terms of the eighteenth section of the act, entitled an act, for clearing and improving the navigation of James river. And in case the said company shall fail to complete the same in the time hereby limited, it shall be lawful for the General Assembly for ever thereafter, to regulate the rates of toll, to be received by the said company, and furthermore to enforce the completion of the said navigation, under such terms and conditions as by law may be prescribed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the fourth day of December, one thousand eight hundred and nine.

CHAP. XXXI.

An Act imposing Taxes for the support of Government.

[Passed February 7, 1810.]

Public taxes for the year 1810.

1. BE *it enacted by the General Assembly*, That the public taxes for the year one thousand eight hundred and ten shall be as follows, to wit: on lands for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been or shall be exempted in consequence of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse or jack ass, twice the price such horse or ass covers a mare by the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary licence five dollars, on every hundred dollars of the rent of such ordinary, to be ascertained by the rent paid by the tenant, and where such tavern is in the occupancy of the proprietor, the yearly value shall be ascertained by the commissioners of the revenue: *Provided*, That for every ordinary licence, not less than twelve dollars and fifty cents shall be paid: for every four wheeled riding carriage, except phætons and stage waggons, one dollar and twenty-five cents per wheel; for all phætons and stage waggons, eighty-four cents per wheel; for every other riding carriage with two wheels, forty three cents per wheel; for all houses and lots in town, one dollar and fifty-six cents on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant; and where such house or lot is in the occupancy of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by comparison of its value with that of other houses or lots actually rented; on every licence to sell merchandize of foreign growth and manufacture, by wholesale and retail, forty dollars; on every licence to retail such goods, fifteen dollars; on every licence to a hawker or pedlar, thirty dollars; on each appeal to the court of appeals from the superior chancery courts, and superior courts of law for the several counties in the commonwealth, two dollars: *Provided*, That no taxes shall be collected on lands, lots, houses or other property belonging to this commonwealth, or to any county, town, college or seminary of learning, or attached to any house or houses for divine worship: *And provided also*, That nothing in this act shall be so construed as to prevent any farmer or planter, from selling salt, tea, sugar, molasses, coffee, spices, iron or steel to his neighbors, when such articles were purchased as a return load for his or her produce or other property taken to market.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXII.

An Act Appropriating the Public Revenue.

[Passed February 7, 1810.]

Public revenue, how appropriated.

1. BE it *enacted by the General Assembly*, That the taxes and arrearages of taxes not otherwise appropriated, due prior to the year one thousand eight hundred and ten, and all other branches of public revenue which arise to the commonwealth prior to the first day of January, one thousand eight hundred and eleven, and the surplus of all appropriations heretofore made, shall constitute a general fund, and be appropriated in the following manner: For the expenses of the general assembly, fifty thousand dollars; for officers of civil government, seventy thousand dollars; for officers of militia, including adjutant general, brigade inspectors, adjutants, clerks, provost martials and musicians, six thousand dollars; for criminal charges, including guards in the country, twenty-five thousand dollars; for removing criminals to the penitentiary and internal charges, seven thousand dollars; for officers' salaries of the penitentiary, three thousand three hundred and forty-one dollars, and twelve cents; for slaves executed and transported, six thousand dollars; for the lunatic hospital, seven thousand five hundred dollars; for the seventh instalment to the bank of Virginia, and one year's interest on the state shares therein, thirty-four thousand eight hundred dollars; for interest on the public debt, six thousand dollars; for pensioners, six thousand five hundred dollars; for repairs of public warehouses and commissioners' compensation, three thousand five hundred dollars; for commissioners of revenue, fourteen thousand dollars; for the manufactory of arms, including foundery and boring mill, fifty-one thousand dollars; for officers' salaries of the armory, four thousand seven hundred and sixty-nine dollars and fifty-one cents; for cleaning and repairing arms, under the contract made by the executive agreeably to an act of last session, fifteen thousand one hundred and seventy-five dollars; for rifles to be made under contract agreeably to an act of assembly, four thousand five hundred dollars; for the guard for the protection of public property in the city of Richmond, nine thousand dollars; for the militia fine fund, three thousand dollars; for the purchase of lead, and materials for powder, two thousand dollars; for public services of circuit court clerks, two thousand nine hundred and forty dollars; for public services of district court clerks, four hundred dollars; for clerks' and sheriffs' fees, two hundred dollars; for the Upper Appomattox company, two thousand five hundred dollars; for one hundred and fifty copies of Hening's Statutes at Large, seven hundred and fifty dollars; for expense of representation to congress and state senate, five hundred dollars; for wolf scalps, two hundred dollars; and for contingent expenses of government, fifteen thousand dollars.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXIII.

An Act concerning Certificates.

[Passed December 29, 1809.]

Auditor to divide certificates when required.

1. BE *it enacted by the General Assembly*, That the Auditor of Public Accounts be, and he is hereby authorised and directed to take in the certificates of the state, when applied to, and issue two or more new certificates as required by the person or persons making such application, not exceeding the amount of the original certificate or certificates.

May combine small ones, &c.

2. *And be it further enacted*, That the Auditor be, and he is hereby authorised and directed, to take in certificates of small value, and issue one or more new ones, not exceeding the amount of the several original certificates.

☞ See sess'ns acts of 1801, ch. 19.

Whereas by an act of the General Assembly, entitled "An act for calling in and registering certificates of the public debt of this state," passed the twenty-eighth day of January, one thousand eight hundred and two, the second section of said act declares, that if the holder or owner of any certificate of a debt due from this state, shall not, on or before the first day of January, one thousand eight hundred and three, make application for a warrant for the interest due thereon, such interest shall cease after that period until the said certificate shall be deposited with the treasurer as aforesaid—

To issue warrants for interest in certain cases.

3. *Be it enacted therefore*, That on application of the holder or owner of such certificates as aforesaid, the auditor of public accounts is hereby authorised and required to issue a warrant on the treasury, for the interest that may be due on any such certificate, up to the time of such application: *Provided nevertheless*, That if application as aforesaid shall not be made for a warrant to draw such interest on or before the first day of January, one thousand eight hundred and eleven, such interest shall cease after that period until the said certificate shall be deposited with the treasurer as required by the above recited act—*And provided always*, That nothing herein contained shall be so construed as to affect the rights of infants, femes covert or persons of unsound mind, until one year after the disabilities shall have ceased.

Proviso.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXIV.

☞ For subsequent regulations see *post* ch. 91 & 92, and Sess'ns acts of 1811, ch. 11, 12.

An Act concerning Pilots.

[Passed January 8, 1810.]

Duties of coasters who want a pilot.

1. BE *it enacted by the General Assembly*, That it shall be the duty of every master of a coasting vessel, sailing under coasting licence, and wanting a pilot to conduct his vessel into any port within this commonwealth, to signify the same by hoisting a signal at his foremast or foretopmast head, as the case may be; whereupon it shall be the duty of any pilot, acting under the authority of this commonwealth, to repair to such vessel and take charge of her as a pilot.

Pilots' fees.

2. *And be it further enacted*, That, whenever a pilot shall be thus required to perform his duty on board of such vessel sailing under coasting licence, he shall demand and receive double the amount of fees allowed to them when conducting American ves-

Proviso.

sels sailing to or from foreign ports: *Provided always*, That no greater charge shall be made for conducting a coasting vessel outward bound, than is now paid on vessels bound to foreign ports.

Commencement.

3. This act shall commence and be in force on the first day of March next.

CHAP. XXXV.

An Act authorising County Courts to allow a reward for Killing Wolves.

[Passed January 17, 1810.]

County courts authorised to allow a reward for killing wolves.

1. BE *it enacted by the General Assembly*. That it shall be lawful for the courts of every county wherein it may be thought expedient to do so, a majority of the acting magistrates of the county concurring therein, to allow such reward for killing old or young wolves as in their opinion the necessity of the case may require, to be levied and paid in the respective counties allowing the same, in like manner as other county charges are annually levied and paid, the party or parties entitled thereto, producing a certificate thereof, to the court laying the county levy, obtained in the manner required by this act: *Provided always*, That not more than twelve dollars shall be allowed by the said courts for each wolf scalp, as the case may be.

Proviso.

Person claiming reward, how to proceed.

2. Every person claiming such reward, shall produce the whole skin of the head of every wolf to a justice of the peace of the county, in which the same shall have been killed, and shall then also, before the same justice, make oath or affirmation to the effect following, that is to say: "I, A. B. do swear, that the scalp or "scalps (as the case may be) by me now produced, was or were "taken from a wolf or wolves caught and killed by me in the said "county of So help me God." And thereupon the justice shall grant to the wolf killer, a certificate reciting his name, the number of scalps produced, either of old wolves, or such as in his opinion appear not to exceed six months, the time and place when and where killed, and that oath or affirmation or other sufficient proof thereof hath been made before him; which, being produced to the courts laying the levies of the said counties, shall entitle the party or parties therein mentioned, to such reward as the court in their discretion may think proper to allow; but no claim or demand for the same shall be allowed without such certificate: *Provided always*, That every justice of the peace shall cause the ears of all wolf scalps, brought before him, to be cut off in his presence, and he shall not grant a certificate for any scalp without ears.

Justice to grant a certificate, &c.

Proviso.

Commencement.

3. This act shall be in force from the passing thereof.

CHAP. XXXVI.

☞ See R. Code 1st vol. ch 117, 155, 203, 225, 293, 301.

An Act to amend the several Laws regulating the Inspection of Flour.

[Passed January 18, 1810.]

Proceedings to be had when owner of flour is dissatisfied with judgment of inspector. *Ibid.* ch. 117.

1. BE *it enacted*, That when any owner or owners of flour, his, her or their agent or agents, shall think himself or themselves aggrieved by the decision of the inspector, as to the degree of fineness which any inspector shall determine his, her or their flour to be of, such owner or owners, his, her or their agent or

agents, shall have the same remedy as is provided by the tenth section of the act, entitled, "An act reducing into one the several acts for regulating the inspection of flour and bread," in cases of flour condemned and unmerchantable.

2. *Be it further enacted*, That whenever the decision of the inspectors of flour shall be reversed by those named in the warrant to review the same, the said inspectors shall pay three cents on each barrel of flour to said persons thus appointed to review the same; and in like manner should the judgment of said inspectors be confirmed, the owner, his, her or their agent or agents shall pay three cents on each barrel of flour, to the persons so appointed to review the same, as a compensation for their services. Penalty on inspector when his judgment is reversed.

3. *Be it further enacted*, That if any person so appointed by a warrant of any justice of the peace to review any flour shall refuse to act, the person or persons so refusing shall forfeit and pay the sum of five dollars, to be recovered by a warrant, for the use of any person who may prosecute the same. Penalty on person appointed who shall refuse to act.

4. *And be it further enacted*, That from and after the first day of September next, there shall be but one inspector of flour for the town of Petersburg, who shall be appointed annually by the Hustings Court, holden for the said town, any law to the contrary notwithstanding. To be but one inspector in Petersburg. ☞ See new inspections—acts of 1810, chap. 63, 124.

CHAP. XXXVII.

An Act extending the time of the Commonwealth's Agents to collect certain Arrearages of Taxes due this State.

[Passed January 23, 1810.]

1. BE *it enacted by the General Assembly*, That the agents appointed, or hereafter to be appointed, by virtue of an act of the general assembly, passed the eleventh day of February, one thousand eight hundred and nine, entitled "An act to amend an act, entitled an act, to empower the executive to appoint persons to collect arrearages of taxes," shall be, and they are hereby authorised to proceed to the collection of all arrears of taxes due this commonwealth, prior to the first day of January, one thousand eight hundred and eight. Power of agents in collecting taxes. Sess'ns acts of 1808, ch. 26, *ante* p.

2. *Be it further enacted*, That all the provisions of the above recited act, shall be in force as they regard the collection of taxes hereby authorised, except so far as the same may be altered by this act. Provisions of former act in force.

3. This act shall be in force from the passage thereof. Commencement.

CHAP. XXXVIII.

An Act making provision for the Sale of Public Property in certain districts. See also Sessions acts of 1811, ch. 90.

[Passed January 24, 1810.]

1. BE *it enacted by the General Assembly*, That in all cases where buildings, as jails, courthouses, or clerk's offices, for the use of the late district courts, have been erected at the expense of the counties which composed the districts, it shall and may be lawful for each of the courts of the counties and corporations at whose expense any such buildings have been erected, and they are hereby authorised and required to appoint one person to Public property belonging to late districts, to be sold by commissioners.

Terms of sale.

act as a commissioner under this law. A majority of the said commissioners of the respective counties which composed a district wherein any buildings may be situated as aforesaid, shall be, and are hereby empowered and directed, to dispose of the buildings so situated in their districts, and the lands belonging to such buildings, upon such credit as to the said commissioners shall seem best; taking of the purchaser or purchasers bonds with good security for the payment of the purchase money; notice of the time and place of every such sale being by the said commissioners advertised for three weeks successively in some newspaper printed in this state, and also on the doors of the buildings so intended to be sold. The money arising from which sales, when received by the said commissioners, shall by them be paid to such persons as by the said county courts shall be authorised to receive the same, and according to the proportions paid by their respective counties, so far as the same can be ascertained; to be applied towards lessening the county levy. Saving to all persons, bodies politic and corporate, all right, title, interest and property, which he, she or they may have of, in or to any of the buildings, or the lands whereon such buildings may be situated, by this act directed to be sold.

Notice to be given.

Proceeds of sale, how to be applied.

Reservation.

Duties of commissioners.

2. *And be it further enacted*, That it shall be the duty of the commissioner appointed by the court of that county, in which the property directed by this act to be sold shall lie, to call a meeting of the commissioners appointed to act with him, at such time and place as he shall direct, for the purpose of making the arrangements necessary to carry into effect the provisions of this act. And if the commissioner hereby authorised to call a meeting shall fail for the space of one month from the time of his appointment to perform this duty, any other commissioner within the district shall have the power, and he is hereby authorised to call such meeting: and any expense incurred in calling the same shall be defrayed out of the proceeds of the sale of such property.

Compensation to the commissioners.

3. *And be it further enacted*, That the respective county courts shall be, and they are hereby authorised to allow a compensation to each of the said commissioners not exceeding two and a half dollars, for every day they may be actually employed in the execution of this act, to be paid out of the money arising from the sales of the aforesaid property.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. XXXIX.

An Act to amend so much of the several Laws concerning Stud Horses and Jack Asses as respects the time and manner of their being entered with the Commissioner of the Revenue.

[Passed January 26, 1810.]

Stud horses and jack asses, when to be entered with the commissioners.

1. BE *it enacted by the General Assembly*, That all stud horses and jack asses, which shall hereafter be let to mares within the commonwealth of Virginia, whether owned by persons residing within the commonwealth, or persons residing in any other state, shall be entered with the commissioner of the revenue, in the county or district where such horse or ass shall stand, by the owner, if such owner resides in the county; and if the owner doth not reside in the county, then by the proprietor of the place where

such horse or ass shall stand, who shall be liable for the tax. And when it shall happen that any horse or ass shall stand in two or more counties, they shall be entered in the county or district where the season commences.

Proceedings where owner cannot ascertain price of season; &c.

2. *And be it further enacted*, That if the commissioner shall call on any person or persons owning any stud horse or jack ass, for a list of his property, before the season commences, and the said owner shall be unable to ascertain the price at which such horse or ass will stand for the season, or if any person, after the commissioner so calling, shall become the owner of any horse or ass, or shall receive any thing either directly or indirectly for the season, or shall permit any such horse or ass to be kept at his stable, it shall be the duty of such persons to enter such horse or ass with the commissioner of the county or district wherein he resides, on or before the first day of May in every year. Any person failing to enter any horse or ass agreeably to the provisions of this act, or who shall enter such horse or ass at a less price than he shall receive, payable within the season, shall forfeit and pay treble the amount of the sum at which such horse or ass shall stand, to be collected and accounted for by the sheriff, on oath, for the use of the commonwealth.

Penalty on owners neglecting or evading the law.

Remedy reserved to the owner by attachment, &c.

3. *And be it further enacted*, That any person, other than the owner, who shall become liable for the tax on any stud horse or ass under the provisions of this act, shall think himself in danger of losing the same, he shall have his remedy on the horse or ass by attachment or otherwise.

Commencement.

4. This act shall be in force from and after the passing thereof.

CHAP. XL.

An Act to suppress Duelling.

[Passed January 26, 1810.]

Preamble.

WHEREAS experience has evinced, that the existing remedy for the suppression of the barbarous custom of duelling is inadequate to the purpose, and the progress and consequences of the evil have become so destructive as to require an effort on the part of the legislature to arrest a vice the result of ignorance and barbarism, justified neither by the precepts of morality nor by the dictates of reason—for remedy whereof,

Person killing another in a duel, guilty of murder.

1. *Be it enacted by the General Assembly*, That any person who shall hereafter wilfully and maliciously, or by previous agreement fight a duel or single combat with any engine, instrument or weapon, the probable consequence of which might be the death of either party, and in so doing shall kill his antagonist, or any other person or persons, or inflict such wound as that the person injured shall die thereof within three months thereafter, such offender, his aiders, abettors and counsellors, being thereof duly convicted, shall be guilty of murder and suffer death by being hanged by the neck; any law, custom or usage of this commonwealth to the contrary notwithstanding.

Person challenging or accepting a challenge, incapacitated from holding an office.

2. *And be it further enacted*, That if any person whatsoever shall challenge another to fight a duel with any weapon, or in any manner whatsoever, the probable issue of which may or might result in the death of the challenger or challenged, or if any person shall accept a challenge or fight a duel with any weapon, or in any

way whatsoever, the probable issue of which may or might terminate in the death of the challenger or challenged, such person shall be incapable of holding or being elected to any post of profit, trust or emolument, civil or military, under the government of this commonwealth.

Oath to be taken by person appointed to any office.

See *Leigh's* case, 1 *Munf.* 468.

3. *And be it further enacted*, That from and after the passing of this act, every person who shall be appointed to any office or place, civil or military, under this commonwealth, shall in addition to the oath now prescribed by law take the following oath: "I do solemnly swear or affirm (as the case may be) that I have "not been engaged in a duel, by sending or accepting a challenge "to fight a duel or by fighting a duel, or in any other manner, in "violation of the act entitled "An act to suppress duelling," "since the passage of that act, nor will I be so concerned directly "or indirectly in such duel during my continuance in office.—So "help me God."

This act to be given in charge to the grand juries, together with all other laws to suppress duelling. Their duty.

4. *And be it further enacted*, That it shall be the duty of the judges of the circuit courts and the county courts at their quarterly sessions, to give in charge expressly to the jury all the laws in force to suppress duelling, also to charge the jury to present all persons concerned in carrying, sending or accepting a challenge; and if any person shall be presented in such courts, the said courts shall, if they have jurisdiction of said offences, proceed to trial of the same in the ordinary way, and if not, that the presentment shall be either certified by order of the court, to such court as has jurisdiction, or shall be considered in law a sufficient authority, for a magistrate to issue his warrant against the accused, where an examining court is necessary.

Duty of judges and magistrates who suspect a duel is about to take place.

5. *And be it further enacted*, That when any judge or magistrate of this commonwealth has good cause to suspect any person or persons are about to be engaged in a duel, he may issue his warrant to bring the parties before him; and if he shall think proper to take of them a recognizance to keep the peace, he shall insert in the condition, that the party or parties shall not during the time for which they were bound, directly or indirectly, be concerned in a duel, either with the person suspected or any other person, within the time limited by the recognizance.

Proceedings to be had where persons leave the state.

6. *And be it further enacted*, That if any person or persons shall, for the purpose of eluding the operation of the provisions of this law, leave the state, the person or persons so offending shall be deemed as guilty, and be subject to the like penalties as if the offence had been committed within this commonwealth. If any person shall leave this state with the intention of giving or receiving a challenge to fight a duel, or of aiding or abetting in giving or receiving such challenge, and a duel shall actually be fought, whereby the death of any person shall happen, and the person so leaving the state shall remain thereout so as to prevent his apprehension for the purpose of a trial; or if any person shall fight a duel in this state, or aid or abet therein, whereby any person shall be killed, and then flee into another state to avoid his trial; in either case it shall be the duty of the executive, and they are hereby directed to adopt and pursue all legal steps to cause any such offender to be apprehended and brought to trial in the county where the offence was committed, (when the duel shall have been fought within the state; and when it shall have been fought without the state, then in that county where, in the opinion of the ex-

cutive the evidence against the offender can be best obtained and produced upon his trial.

7. *Be it further enacted*, That it shall be the duty of the attornies of the commonwealth for the county courts to give information to the executive whenever a case shall arise in their counties respectively which will render the interposition of the executive authority under this act necessary. And the said attornies, either at the first quarterly court of their respective counties after the commencement of this act, or at the time of their acceptance of their offices, where they shall hereafter be appointed, shall take the following oath: "I do solemnly swear, or affirm, (as the "case may be) that I will to the best of my judgment execute the "duty imposed on me by the act for suppressing duelling.—So help "me God." Duty of commonwealth's attornies.

8. *And be it further enacted*, That all words which from their usual construction and common acceptation are considered as insults, and lead to violence and breach of the peace, shall hereafter be actionable, and no plea, exception or demurrer shall be sustained in any court within this commonwealth, to preclude a jury from passing thereon, who are hereby declared to be the sole judges of the damages sustained: *Provided*, That nothing herein contained shall be construed to deprive the several courts of this commonwealth from granting new trials as heretofore. Certain words made actionable. Proviso.

9. This act shall be in force from the first day of April next. Commencement.

CHAP. XLI.

An Act authorising the Superior Courts of Law and Courts of Chancery to issue Writs of Certiorari in certain cases, and for other purposes.

[Passed January 27, 1810.]

1. BE *it enacted by the General Assembly*, That whenever any county court of this commonwealth shall unreasonably neglect or delay to decide any suit either in law or equity, which now is, or hereafter shall be depending in such court, upon application of either of the parties so precluded from justice, by the neglect or delay of the county court, the judges of the superior courts of law, and the judges of the chancery courts of this commonwealth, are hereby directed and authorised to issue writs of certiorari to remove such cause or causes before them, in the same manner as in cases of partiality or injustice: *Provided nevertheless*, that no writ of certiorari shall issue in cases where the court from whence the writ issues had not jurisdiction. Judges of superior courts in law and equity may issue writs of certiorari in certain cases. Proviso.

And whereas orders of the judges of the superior courts of chancery, overruling motions and applications for injunctions, and dissolving injunctions when granted (which motions and applications for injunctions, and orders dissolving them, are often made under circumstances that preclude argument) amount as the law now stands in many instances to final decisions, in as much as revision and correction of them are precluded until the judgments or acts sought to be enjoined have had their effects: for remedy whereof,

2. *Be it enacted by the General Assembly*, That whenever the judge of any superior court of chancery shall overrule any application for an injunction, it shall be his duty to certify the same at the foot of the bill. And whenever any motion or application for an injunction shall be overruled, or whenever any order shall be Proceedings where a judge of a superior court in chancery shall overrule an application for injunction.

entered dissolving such injunction, it shall be lawful for any person or persons, conceiving himself, herself or themselves aggrieved thereby, to present the original bill with the order refusing such injunction, or a copy of the proceedings on which the said dissolution shall be ordered, to the judges of the court of appeals, or any one of them, who shall have authority thereupon to direct the injunction to be awarded, or allow an appeal from such order of dissolution, in case he or they shall be of opinion that the chancellor had erred in such order; and where the judges or judge of the court of appeals shall award an injunction in the manner aforesaid, the same proceedings shall be thereon had, as if the injunction had been in the first instance awarded by the chancellor; and where an appeal shall be allowed in the manner aforesaid from an order dissolving an injunction, such appeals shall be heard and determined at the next term of the court of appeals, if allowed in the recess of that court, or by the then sitting court, when allowed during the session of that court.

Judge in vacation, for good cause shewn, may order subpœna duces tecum and writs of error, &c.

3. *Be it further enacted*, That any judge in vacation, for good cause shewn, shall have power to order a subpœna duces tecum to be issued, returnable to any court to be holden by him in like manner as the same could be ordered by him holding a session of the court; and shall likewise, in vacation, have the same power to award writs of error, certiorari for the removal of suits, or supersedeas, that the judges of the general court had under the act, entitled an act "Reducing into one the several acts concerning the establishment, jurisdiction and powers of district courts," passed the twelfth of December, one thousand seven hundred and ninety-two."

R. Code 1st vol. ch. 66, page 81, 82, 83.

Commencement.

4. This act shall commence and be in force from the passing thereof.

CHAP. XLII.

An Act concerning the Commissioners of the Revenue and the Clerks of the respective Courts within the Commonwealth.

[Passed January 30, 1810.]

Commissioners of the revenue to give bond.

1. BE *it enacted by the General Assembly*, That each and every commissioner of the revenue who may hereafter be appointed, before entering upon the duties of his office, shall give bond with sufficient security in the penalty of one thousand dollars, conditioned for the faithful performance of the duties of such office; which bond shall be made payable to the governor, or chief magistrate for the time being and his successors, and entered of record in the county court. And, in the name of the governor, or chief magistrate, or his successors, the auditor of public accounts, at the costs and charges of the commonwealth, when the commonwealth is injured, or any person or persons injured, may and shall, at his, her or their costs and charges, commence and prosecute suits on the said bond against the parties thereto bound, their executors or administrators, and shall and may recover all damages which the commonwealth, or any person or persons may have sustained by reason of the breach of the condition of such bond. And such bond shall not become void upon the first recovery; or if judgment shall be given against any plaintiff or plaintiffs who shall sue upon such bond; but may be put in suit and prosecuted from time to time for the benefit and at the proper costs and charges of the commonwealth, or any person injured, un-

How it may be prosecuted, &c.

he penalty expressed in such bond shall be recovered: *Pro-d always*, That if any verdict and judgment shall pass for such missioner, the commonwealth, in suits brought by the audi- or the person at whose instance such suit is brought, shall pay h commissioner, or his securities, their executors or adminis- tors their costs: And the said commissioners shall certify the s to be returned to the auditor, clerk and sheriff, in the follow- manner: "I, have examined the foregoing list f (land or property, as the case may be) subject to taxation, nd find the same to be correctly stated. Given under my hand ie day of ." And so much of the tenth section of act, entitled "An act prescribing the mode of ascertaining the able property within this commonwealth," as directs the clerks he courts of each county or corporation to examine the said s, is hereby repealed.

☞ R. Code, 1st vol. p. 129.

2. So much of the fifteenth section of an act, entitled "An act scribing the mode of ascertaining the taxable property within s commonwealth, and of collecting the public revenue," as au- rises the courts of each county, city or corporation to make an owance to the clerk for his services, shall be, and is hereby re- led.

Certain part of former law repealed. *Ibid* pa. 130.

3. *And be it further enacted*, That all ordinary licences hereaf- to be granted shall be taken out previous to the first day of y annually, and shall be good for the term of one year: *Pro-ed*, That if any new tenant shall take possession of a tavern, or ew ordinary be opened after the first day of May in any year, any tavern licence shall expire after the first day of May next, tax thereon shall be apportioned according to the time then to ne until the first day of May next ensuing. Before any tavern ordinary shall be opened in pursuance of a licence granted as resaid, it shall be the duty of all and every person and persons taining any such licence, to produce the same to commissioners the revenue within the district, where he, she or they respec- ely reside or propose opening a tavern, and to procure thereon certificate of the commissioner in the following manner: —— unty or corporation, to wit: (as the case may be) A. B. having oduced to me a licence, granted by the court of the county resaid, on the payment of to the clerk of said court— ese are therefore to certify, that the said A. B. is authorised to ep an ordinary till the first day of May next. Given under my nd the day of ." And also to set up in the most blic entertaining room, in the ordinary or tavern, and there keep opy of the licence and commissioner's certificate: and for ne- ecting to do the same, he or they shall be subject to the like pe- lties as persons are now subject to, who fail to set up tavern tes, recoverable in the same manner. The said commissioners all take a true list of every ordinary or tavern licence so pro- ced to them, and shall certify the same, with the date thereof d the amount paid thereon, under his hand and seal, to the au- tor of public accounts, on or before the first day of November in ery year; which said list, thus certified by the commissioner, shall deemed and taken as legal evidence in all motions made against y delinquent clerk or clerks under this act. It shall be the du- of every commissioner of the revenue, and they are hereby re- ired, at the quarterly courts for his county or corporation to give formation before the grand jury, of all persons opening or

Manner of taking out tavern licence. Proviso.

Certificate of commissioner.

Duties of commissioners.

keeping tavern contrary to the provisions of this or any other act, where the same may come within his own knowledge.

Compensation to commiss'rs for granting license, &c.

4. *And be it further enacted*, That for every certificate granted by a commissioner of the revenue, under this act, he shall be entitled to fifty cents, which shall be paid to him out of the public treasury, on warrant of the auditor of public accounts, after his list of tavern licences shall be certified as aforesaid.

Allowance to commissioners.

5. *And be it enacted*, That the allowance to the commissioner of the revenue for all his services under the law, in listing the taxable property, and taking the list of free persons of color, shall not be more than one hundred dollars.

Repeal'g clause.

6. All acts and parts of acts coming within the purview of this act, shall be, and are hereby repealed.

Commencement.

7. This act shall commence and be in force from and after the passing thereof.

CHAP. XLIII.

See *ante* p. 5 and sess'ns acts of 1808, ch. 5. See also sess'ns acts of 1809, ch. 18.

An Act to continue in force for a limited time, an Act passed on the thirty-first day of January last, entitled, "An Act concerning Executions, and for other purposes."

[Passed February 1, 1810.]

Acts concerning executions continued in force for a limited time.

1. BE *it enacted by the General Assembly*, That the act passed the thirty-first day of January last, entitled, "an act concerning executions, and for other purposes," be and the same is hereby declared to be and remain in force until the thirty-first day of May next, and no longer: *Provided always, and be it further enacted*, That nothing herein contained shall operate to take away or impair any security given or right vested under the above recited act, but that all of them be, and they are hereby maintained and enforced; and that each and every remedy provided by the said act for the prosecution of such rights and securities shall be and they are hereby rendered perpetual.

Certain bonds, where to be returned.

2. *And be it further enacted*, That in all cases where under the sixth section of the above recited act, bond shall have been given to stay proceedings upon any deed of trust, such bond shall be, by the trustee, obligee or assignee, his or her executors or administrators, in whose possession such bond may be, returned to the clerk's office of the superior or inferior court of that county in which the deed of trust was executed or recorded; and the clerk of that court only shall have power to issue execution upon such bonds.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. XLIV.

See farther, acts of 1810, ch. 89—1811, ch. 10 and ch. 18, sect. 17, 18, *post* ch. 62, 63, 90 & 98.

An Act to appropriate certain Escheats, Penalties, Confiscations and Forfeitures to the Encouragement of Learning.

[Passed February 2, 1810.]

Escheats, &c. to compose a fund for the encouragement of learning.

1. BE *it enacted*, That in escheats, confiscations, fines, penalties and forfeitures, and all rights in personal property accruing to the commonwealth, as derelict, and having no rightful proprietor, be, and the same are hereby appropriated to the encouragement of learning; and that the auditor of public accounts be, & he is hereby required to open an account to be designated The

Literary Fund, to which he shall carry every payment hereafter made into the treasury on account of any escheat or confiscation, which has happened or may happen, or any fine, penalty or forfeiture which has been or may be imposed, or which may accrue: *Provided always*, That this act shall not apply to militia fines.

2. *And be it further enacted*, That this act shall in no case change the mode of proceeding for the recovery of any of the subjects herein mentioned, but they shall be prosecuted in the same manner as if this act had not passed. Mode of recovery unaltered.

3. *And be it further enacted*, That the fund aforesaid shall be divided and appropriated as to the next legislature shall seem best adapted to the promotion of literature: *Provided always*, That the aforesaid fund shall be appropriated to the sole benefit of a school or schools, to be kept in each and every county within this commonwealth, subject to such orders and regulations as the general assembly shall hereafter direct. Proceeds, how to be applied.

4. This act shall be in force from the passing thereof. Commencement.

CHAP. XLV.

*An Act concerning the Service of Process in certain cases, and for other purposes.**

[Passed February 3, 1810.]

1. BE *it enacted by the General Assembly*, That in every case where there shall be a just cause of exception to the sheriff and coroner, if there be but one, or coroners, if there be more than one, of any county, or to the sergeant and coroner if there be but one, or coroners if there be more than one of any corporation, or there shall be no coroner qualified to act in any county or corporation; any writ or process, of what nature soever the same may be, may be directed to any justice of the county in the commission of the peace, or to the mayor, or to any alderman of the corporation where such exception or vacancy may happen, at the option of the plaintiff, who shall be bound to execute the same, and to do and perform all things by virtue of such writ or process, which the sheriff, sergeant or coroner, might or ought to have done, had there been no just cause of exception against him or them, or no such vacancy had occurred; and in case of any neglect or breach of his duty, such justice, mayor or alderman, shall be subject to the same pains, penalties, fines, forfeitures and damages, and to the same proceedings, judgment and execution, as sheriffs, sergeants or coroners are subject to in like cases; and upon every execution issued against such justice, mayor or alderman, upon any judgment obtained against him for breach or neglect of such duty, the clerk shall endorse, that "no security is to be taken." In what cases process may be served by a magistrate. Penalties on such magistrate for misconduct.

2. *And be it further enacted*, That whensoever the sheriff and coroner, if there be but one, or coroners if there be more than one, of any county, or the sergeant and coroner if there be but one, or coroners if there be more than one of a corporation, shall be interested in a suit depending in any court of this common- In what cases court may appoint indifferent person to summon a jury.

(*) As to process returnable to the court of *Appeals*, see acts of 1810, ch. 5, post 59—and returnable to the courts of *Chancery*, see acts of 1811, ch. 15, 16, post 95, 96.

wealth, in which an issue of fact is to be tried, or if it shall happen in any county or corporation of this commonwealth, that there shall be no coroner qualified to act, and the sheriff of such county or sergeant of such corporation shall be so interested, the court before which such suit shall be depending shall appoint some fit person to summon a jury, who shall take an oath impartially to perform that duty.

In what cases a magistrate may hold an inquest over a dead body.

3. *And be it further enacted*, That if, upon a murder or other accidental or untimely death, there be no coroner within the county or corporation where such case shall happen, or if, from sickness or other just cause, a coroner, where there is one or more, cannot be had to hold an inquest upon the body so coming to an untimely death, it shall be lawful for any justice of the peace in such county, or for the mayor or any alderman of such corporation, to do and perform all the duties appertaining to the office of coroner in such case; and the inquest so taken and returned shall be as effectual in law, as if taken and returned by a coroner duly appointed and qualified.

Fees of coroners.

4. *And be it further enacted*, That the fees of coroners, & justices performing the duties of coroners as aforesaid, shall in future be as follows, to wit: For taking an inquisition on a dead body, to be paid out of the estate of the deceased, if the same be sufficient, if not, by the county, five dollars; for serving any original or mesne process, issued from any court, one dollar; for summoning a witness in any cause, thirty cents; for all other business done by them, the same fees as are allowed sheriffs for similar services.

What just cause of exception to a sheriff or other officer.

5. And to prevent all doubt upon the construction of the first section of this act, *Be it further enacted*, That nothing shall be deemed a just cause of exception to any sheriff, coroner or sergeant so as to exclude from him the execution of process, unless he shall be a party to the suit, or otherwise interested in the same.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. XLVI.

See sess'ns acts of 1810, ch. 16, and 1811, ch. 18—*post* ch. 70 and 98.

An Act to Compel Persons who own Lands in this Commonwealth to cause the same to be Entered in the Books of the Commissioners of the Revenue, and for other purposes.

[Passed February 5, 1810.]

Preamble.

WHEREAS it is represented to the General Assembly, That many persons omit to enter their lands on the commissioners' books, and thereby elude the payment of any revenue tax thereupon: for remedy whereof,

Person failing to enter land with the commissioner, subject to forfeiture.

1. *Be it enacted*, That if any person having title to a tract or tracts of land in this commonwealth shall fail to enter the same on the commissioner's books of that county in which the land lies, within eighteen months after the passage of this act, the same shall be forfeited to this commonwealth: *Provided always*, That that the rights of infants, femes covert and persons of insane memory shall not be affected by this law.

Lands forfeited, how disposed of.

2. *And be it further enacted*, That the lands so forfeited shall be sold, and the money to arise from such sale shall be paid into the public treasury, there to remain at the disposition of the general assembly.

Who to act as commissioners.

5. *And be it further enacted*, That the high sheriff, the clerk of the superior court of law, and the attorney for the commonwealth in each county, or any two of them, shall be, and they are hereby authorised as commissioners, to make sale of the lands so forfeited, and execute deeds therefor.

Persons discovering lands subject to forfeiture to have 10 per centum, &c.

4. *And be it further enacted*, That every person who shall make discovery and proof to the county court of lands forfeited by virtue of this act shall receive therefor ten per centum upon the amount of the sale of any such lands. And it shall be the duty of said court, immediately upon such discovery and proof, in a summary way to make an order in the nature of a decree, directing the aforesaid commissioners to sell said lands to the highest bidder, for ready money: *Provided nevertheless*, That no sale shall be made by virtue of this act, unless the same shall have been advertised two months previous thereto, at the door of the courthouse of that county wherein said lands shall lie: *And provided also*, That said forfeited lands shall be sold, at public auction, on some court day, not more than four nor less than two months after the rendition of the decree aforesaid: *Provided also*, That no person shall receive said per centum for discovery and proof of forfeited lands, nor shall any proceedings be had relative to such proceedings by the court, until the first day of June, in the year of one thousand eight hundred and twelve.

Proviso.

Compensation to the commissioners.

5. *And be it further enacted*, That the commissioners aforesaid, or such of them as shall act, shall have and receive as a compensation for their trouble, six per cent. on the amount of all monies by them collected under this act.

Gov'n'r to cause this act to be published in Nat. Intelligencer.

6. *And be it further enacted*, That the governor of this commonwealth shall cause a copy of this law to be inserted in the National Intelligencer for six months.

Money, how to be applied.

7. *Be it enacted*, That all monies to arise from sales made pursuant to this act, shall be paid by the purchaser or purchasers, to the sheriff of the county wherein said sales shall be made. The said sheriff shall receive the same, and execute to the purchaser, a receipt therefor, expressing therein the amount paid, the tract of land sold, and that the same land was sold by virtue of this act. The said purchaser or purchasers shall deliver the said receipt into the office of the clerk of the superior court of law in the county wherein said sale shall be made, and it shall be the duty of the said clerk to transmit a certified copy of every such receipt to the auditor of public accounts within sixty days after receiving the same. The commissioners appointed by this act, shall make no deed as herein before required, until the said receipt shall be delivered into the office of the said clerk.

Further proceedings.

Sheriff to acc'nt for amount of sales, deducting his commission.

8. *And be it further enacted*, That the sheriff shall account for and pay the amount of every such sale, deducting therefrom three per centum for his commission, six per centum the commissioner's allowance, and ten per centum for the informant of the county court (where there shall be any) on the whole amount, to the auditor of public accounts, at the same time and under the like regulations that he is now bound to pay the revenue taxes of his county. The auditor shall have the same remedy for the recovery of the amount of such sales that he now hath for the recovery of revenue taxes; and the copy of every receipt, certified, by the clerk, as directed by this act, shall be evidence before any court of any sale to be made by virtue of this act, and of the amount wherewith the sheriff shall be chargeable.

Remedy against shreiff.

Former owner of forfeited lands, permitted to redeem.

Sess'ns acts of 1808, ch. 14, and *Ante* p. 21.

9. *Be it enacted*, That the former owners of forfeited lands, which are made irredeemable by the first section of the act, entitled, an act providing for the redemption of certain lands forfeited by the non-payment of the taxes due thereon, shall be permitted to redeem said lands, at any time before the first day of May, in the year one thousand eight hundred and eleven, by the payment of the amount required by the act aforesaid, and ten per centum on the amount thereof.

Duties of the auditor, &c.

10. *Be it further enacted*, That the lists which it shall be the duty of the auditor of public accounts to deliver to the collector of taxes, pursuant to the second section of the aforesaid act, shall be of all lands which would have become irredeemable at the time mentioned in said second section if this act had never been made, and which shall not be thereafter redeemed. The auditor of public accounts shall not be obliged to deliver said lists to the collector in the year of one thousand eight hundred and eleven, until the first day of June; and the duty required of the collector by the said second section shall not be performed by him.

What lands liable.

11. *Be it further enacted*, That the sales to be made by virtue of the third section of the aforesaid act, shall be of all lands which would have been liable if this act had never been made, excepting nevertheless such lands as may be redeemed by virtue of this act.

Commissioners of revenue discharged, &c.

12. *Be it further enacted*, That the commissioners of the revenue shall be, and they are hereby discharged from all duties required by the aforesaid act, and the sales to be made pursuant to the said act shall be made by the commissioners appointed by this act, or any two of them. The purchasers at sales, pursuant to the aforesaid act, shall pay the money for which said sales shall be made to the sheriff, who shall grant receipts therefor; and the said purchasers shall deliver said receipts into the office of the clerk of the superior court of law in each county, which clerk shall certify the same to the auditor of public accounts, to be used by him as evidence, in the same manner and under like regulations as is prescribed by this act to be done and performed in cases of sales of lands for the failure of the owners thereof to enter the same in the commissioners' books.

Deeds, to whom to be made.

13. *Be it enacted*, That the deeds to be made in virtue of the eighth section of the aforesaid act shall be made by the commissioners appointed by this act, or any two of them, and not by the sheriff only.

Rep'ling clause.

14. *Be it enacted*, That so much of the aforesaid act as comes within the purview of this act shall be and the same is hereby repealed.

Penalty on commissioner neglecting, &c.

15. *Be it further enacted*, That every commissioner appointed by this act who shall fail or refuse to carry the same into execution, without some reasonable excuse, to be adjudged of by the court, shall forfeit and pay five hundred dollars, recoverable by action of debt or information, to the use of any person who will inform or sue for the same.

Commencement.

16. This act shall be in force from the passing thereof.

CHAP. XLVII.

An Act to amend the several Acts concerning the County and other Inferior Courts of this Commonwealth.

[Passed February 8, 1810.]

County and corporation courts power to grant writs of ne exeat. See Rev'd Code, 1st vol. p. 67, 68.

1. BE *it enacted by the General Assembly*, That the several county and corporation courts within this commonwealth, at their monthly and quarterly sessions, shall have the same power to grant writs of ne exeat, to prevent the departure of any defendant out of the county till security be given for performing the decree of the court, as is now given to the superior courts of chancery in term time, and to be exercised in the same manner.

Two magistrates similar power in certain cases.

2. *And be it further enacted*, That any two justices of the peace of a county or corporation, when the court is not sitting, shall have the same power of awarding writs of ne exeat, as is now exercised by the judges of the superior courts of chancery in vacation.

Applicant to give bond, &c.

3. *And be it further enacted*, That on application to an inferior court whilst in session, or to two of the members thereof in vacation, it shall be the duty of the said court, or of the two justices in vacation, to require of the applicant bond with sufficient security, in a sum at least double the amount of the debt or value of the thing claimed. That the court when in session shall by order fix the penalty of the said bond, and in vacation the justices shall, by their endorsement on the affidavit required by this act, in like manner ascertain the penalty in which the bond is to be taken. That it shall be the duty of the clerks of the respective county and corporation courts to take the said bond when sufficient security is offered; and on the applicant's complying with the provisions of this act, the clerk of the said court shall furnish to him a writ of ne exeat in the following form: "The commonwealth of Virginia to the sheriff or coroner of county (or sergeant of the city, corporation or borough of) greeting: Whereas it is represented to the court of the county of or to the court of the city or borough of (as the case may be) or to two of the members of one of the aforesaid courts, viz: A. B. and C. D. two justices or aldermen (as the case may be) on the part of E. F. in a suit instituted by him against G. H. defendant, that the said G. H. designs quickly to leave this commonwealth, as by oath made in that behalf appears, which tends to the great prejudice and damage of the said E. F. therefore in order to prevent this injustice, you are hereby commanded, that you do without delay cause the said G. H. to come before you, and give sufficient bail or security in the sum of that he will not go, or attempt to go out of the limits of this commonwealth without the leave of our said court, or performing such decree as may be made in the suit aforesaid; and in case the said G. H. shall refuse to give such bail or security, then you are to commit him to the jail of your county, city or borough (as the case may be) there to be kept in safe custody until he shall do so of his own accord; and when you have taken such security, you are forthwith to make and return a certificate thereof to the justices of our said court distinctly and plainly under your seal, together with this writ.—Witness, &c."

Form of the writ.

Fees to the clerks.

4. *And be it further enacted*, That the clerks of the county and other inferior courts of this commonwealth for performing the se-

veral duties required by this act, shall be allowed the same fees as the clerks of the superior courts of chancery receive for similar services.

Court to have power to revise and controul judgment of magistrates in granting ne exeats.

5. And to prevent oppression and delay, *Be it further enacted*, That the court to which the proceedings on a writ of exeat granted by two magistrates may be returned, shall have full power to revise and controul the judgment of the said magistrates, and to affirm or to reverse the decision, as to the propriety of having awarded such writ. All questions concerning writs of ne exeat granted in vacation shall be among the first motions concerning civil business acted on by the court, without regard to their order on the docket.

Justices authorised to hold defendant to appearance bail in certain actions brought in superior courts.

See acts of 1810, ch. 10, *post* ch. 64.

6. *Be it enacted*, That any justice of the peace in actions of trespass, assault and battery, trover and conversion, and in actions on the case, commenced in the superior circuit court of law of any county, where upon proper affidavit or affirmation it shall appear to him proper that the defendant or defendants should give appearance bail, may and he is hereby authorised to direct such bail to be taken by endorsement on the original writ or subsequent process, and every sheriff shall govern himself accordingly.

CHAP. XLVIII.

An Act Supplemental to an Act, entitled "an Act, to continue in force for a limited time, an Act passed on the thirty-first day of January last, entitled an Act concerning Executions, and for other purposes."

[Passed February 9, 1810.]

See sess'ns acts of 1809, ch. 13, and *ante* p. 48.

Preamble.

WHEREAS difficulty may arise in the construction or application of an act, entitled "an act to continue in force for a limited time an act passed on the thirty-fist day of January last, entitled an act concerning executions and for other purposes," occasioned by delay in its final passing;

Construction of the former act.

Sess'ns acts of 1808, ch. 5, *ante* p. 5.

1. *Be it therefore enacted by the General Assembly*, That the said act shall be so construed as to apply to an act passed the thirty-first day of January, one thousand eight hundred and nine, entitled an act "concerning executions, and for other purposes," in the same manner that it purports to apply to an act passed on the thirty-first day of January last, entitled an act "concerning executions and for other purposes."

Proceedings on certain bonds.

2. *And be it further enacted*, That where any bond has been, or shall be taken, by any sheriff or other officer, by virtue of the said act, passed on the thirty-first day of January, one thousand eight hundred and nine, such officer shall be liable to the same fine for not returning such bond to the proper office, or delivering it to the party entitled to receive it, as directed by law for not returning a replevy bond.

When execution may be awarded on bonds taken before a magistrate.

3. *And be it further enacted*, That on all bonds entered into by virtue of the last recited act, pursuant to any judgment rendered by a justice of the peace, any magistrate of that county, where such bond was executed, may award execution thereon at any time after the thirty-first day of May next.

Certain bonds to have the force of judgments.

4. *And be it further enacted*, That all bonds taken by virtue of the act of assembly passed on the first day of February, one thousand eight hundred and eight, concerning executions for the sale of property on twelve months credit, shall have the force of judgments, and be proceeded on in the same manner as replevy bonds under the said act; and it shall and may be lawful for the clerks

of the respective courts within this commonwealth, where such bonds may be lodged, to issue execution or executions thereon after the thirty-first of May next; any thing in the said act contained to the contrary notwithstanding. And on all executions issued on bonds taken by virtue of an act passed on the first of February, 1808, entitled an act concerning the sale of property under executions and incumbrances, and an act entitled an act concerning executions and for other purposes, passed on the 31st of January, 1809, the clerks or the justices, as the case may be, shall endorse "no security to be taken." See Rev'd Code, 2d vol. p. 156, and sess'ns acts of 1807 ch. 6.

5. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XLIX.

*An Act to amend the several Laws concerning the Inspection of Tobacco.**

[Passed February 9, 1810.]

1. BE it *enacted by the General Assembly*, That whensoever hereafter, a hogshead of tobacco shall be refused at any warehouse, the owner thereof shall not remove but may dispose of the same by sale to any person or persons whomsoever, and it shall be the duty of the inspectors, at every public warehouse in this commonwealth, to issue notes for every hogshead of refused tobacco, specifying on the face of such note the number, gross and nett weight, and that it is refused tobacco, which shall in like manner be marked on each cask; and if any person be detected in altering or changing the face of such note, the person so detected shall be dealt with in the same manner as the law prescribes in cases of forgery of tobacco notes heretofore: and it shall not be lawful for any inspector to deliver any hogshead of refused tobacco without the note accompanying the order for such delivery: *Provided however*, nothing contained in this act shall be so construed, as to authorise inspectors of tobacco to become purchasers thereof. Refused tobacco, how to be disposed of. Penalty for changing note, &c. Proviso.

2. *And be it further enacted*, That it shall not be lawful for any inspector of tobacco at any public warehouse in this commonwealth to deliver any hogshead of refused tobacco to any person or persons other than a licenced stemmer or manufacturer, who shall be licenced in the county or corporation court in which he may reside, and shall be bound in a penalty not less than five thousand dollars faithfully to comply with the provisions of this act, and also to have administered to him in open court the following oath or affirmation, viz: I ————, in the presence of "Almighty God, do solemnly swear or affirm (as the case may be) "that all refused tobacco, which shall by me be received or shall "in any way come into my possession, either as my own property "or consigned to me by other persons, shall not pass out of my "possession directly or indirectly until it first shall have been du"ly inspected and passed, as is provided for, in the act entitled an "act to amend the several laws concerning the inspection of to"bacco." Refused tobacco, to whom to be delivered. Oath to be taken by licenced stemmer or manufacturer.

3. *And be it further enacted*, That no refused tobacco which is received by any stemmer or manufacturer, shall pass out of his Refused tobacco rec'd by stemmer or manufacturer, how to be disposed of.

(*) See Rev'd Code, p. 58, 83, 100, and sess'ns acts of 1803, ch. 91—1804, ch. 13—1805, ch. 70, and 1808, ch. 6—Rev'd Code, 2d vol. ch. 7.

possession, until it first shall have been duly inspected and passed. If it be manufactured, it shall be inspected as the law has heretofore provided for the inspection of tobacco; and if it be prepared, as leaf or stemmed tobacco, it shall be prized in hogsheads, and inspected at any one of the public warehouses, which, when passed at such public warehouse, shall have imposed upon it the same duties, and shall be entitled to the same advantages as it would have been had it not been originally refused.

Penalty on persons shipping refused tobacco.

4. *And be it further enacted*, That if any person or persons shall ship any refused tobacco, unless it shall be first inspected and passed, as is provided for in this act, he or they shall forfeit and pay one dollar for every pound of tobacco so shipped, which shall be recovered in any court of law, having original jurisdiction in this commonwealth; and it shall be lawful for any person to sue for the same; and if it be a licenced stemmer or manufacturer thus offending, he shall forfeit his licence and the penalty annexed thereto, and shall ever after be disqualified to hold such licence; and the informer shall be entitled to one half of any money thus forfeited and recovered; and the balance to the commonwealth—all acts and parts of acts to the contrary notwithstanding: *Proviso.* *Provided however*, that at any time the owner of such refused tobacco, his or their agent, shall be at liberty to pick and re-prize the same at their discretion.

Information of breaches of this act to be given, &c.

5. *And be it further enacted*, That it shall be the duty of every inspector of tobacco and of every civil officer in this commonwealth to give information of every offence committed against this act, which shall come within his or their knowledge, to some attorney or prosecutor for the commonwealth, whose duty it shall be, thereupon, to institute a prosecution against the person or persons offending for the penalty or penalties prescribed by this act. And whenever any prosecution instituted upon information of any inspector or other officer shall fail, the costs of such prosecution shall be paid by the Treasurer out of the surplus money arising from the inspection of Tobacco; and the Auditor shall issue a warrant therefor in favor of the party entitled, upon his exhibiting to him a copy of the judgment of the court therefor.

Executive authorised to appoint fourth inspector.

☞ See Rev'd Code, 1st vol. p. 256, 257.

6. *Be it further enacted*, That the executive shall be, and are hereby authorised to appoint a fourth inspector, at any warehouse within this commonwealth, whenever in their opinion such appointment shall become necessary. The said inspector shall officiate as such, whenever a sufficient number of the inspectors already appointed shall, from sickness or other cause, be incapable of acting, and shall be paid out of the salaries of the inspectors failing to act, in proportion to the time he shall officiate: *Proviso.* *Provided however*, That nothing in this act shall be so construed as to prevent any inspector or inspectors of tobacco in any county within this commonwealth, above the falls of the rivers, or other inspection at which there is no licenced stemmer or manufacturer of tobacco, from delivering such refused tobacco to any person or persons whatsoever, upon his or their giving to the said inspector or inspectors a receipt for the same, and moreover executing a bond with approved security to such inspector or inspectors, in the penalty of one hundred dollars for every hogshead or hogsheads of tobacco so received, conditioned that the said hogshead or hogsheads of tobacco shall not be sent out of this commonwealth by him, her or them, as the case may be, but that the same shall be sold or disposed of to a licenced stemmer or manufacturer of tobacco

within this commonwealth, or that the same shall be picked, repacked and prized by the person or persons so receiving the same, and again carried to some public inspection of tobacco for re-inspection.

7. This act shall commence and be in force from and after the passage thereof. Commencement.

CHAP. L.

See sess'ns acts of 1808, ch. 6, and 1807, ch. 3, 4, *ante* ch. 7 of this supplement, and Rev'd Code, 2d vol. p. 148, 153.

An Act to amend the Act, entitled "an Act to Organize and Establish a Superior Court of Law in each county of this Commonwealth," passed February the fourth, one thousand eight hundred and nine.

[Passed February 9, 1810.]

1. BE *it enacted by the General Assembly*, That the superior court of law shalll be holden in the county of Chesterfield, on the fourth Monday after the fourth Monday in April, and the fourth Monday after the fourth Monday in September, instead of the times heretofore appointed by law. The superior court of law in the ninth circuit, for the county of Shenandoah, shall be holden on the fourth Monday after the fourth Monday in April, and the fourth Monday after the fourth Monday in September. The superior courts of law in the tenth circuit for the county of Loudoun, on the last Monday in March and the last Monday in August, and shall sit twelve juridical days, if business require it; for the county of Frederick, shall be holden on the first Monday after the fourth Monday in April, and the first Monday after the fourth Monday in September; for the county of Hampshire, on the third Monday after the fourth Monday in April, and the third Monday after the fourth Monday in September. The superior court for the county of Frederick shall sit ten juridic aldays, at each term, if business requires. Alterations of the times of holding certain superior courts. In Loudoun.

2. The superior courts of law in the thirteenth circuit shall be holden in Giles, on the first Monday in April and the first Monday in September; in Tazewell, on the second Monday in April and the second Monday in September; in Russell, on the third Monday in April and the third Monday in September; in Lee, on the fourth Monday in April and the fourth Monday in September; in Washington on the first Monday after the fourth Monday in April and the first Monday after the fourth Monday in September; in Wythe, on the second Monday after the fourth Monday in April and the second Monday after the fourth Monday in September; in Grayson, on the third Monday after the fourth Monday in April and the third Monday after the fourth Monday in September; in Montgomery, on the fourth Monday after the fourth Monday in April and the fourth Monday after the fourth Monday in September, instead of the times heretofore appointed by law. The superior court of law in the seventh circuit, for the county of Fluvanna, shall be holden on the second Tuesday after the third Monday after the fourth Monday in April and on the second Tuesday after the third Monday after the fourth Monday in September in every year, instead of the times heretofore prescribed by law. The superior court of law in the fourteenth circuit shall be holden in Accomack, on the first Monday in April; and in Northampton, on the third Monday in April, instead of the times heretofore appointed by law. In the 13th circuit. In Fluvanna. In Accomack and Northampton.

3. *Be it enacted*, That the superior court of law shall be holden in the county of Monongalia, on the first Monday in April and the In Monongalia.

first Monday in September, in every year, instead of the times heretofore directed by law. The superior court of law in the sixth circuit, shall be holden in Patrick, the Friday after the commencement of Henry court, instead of the times heretofore appointed by law.

In Patrick.

4. *Be it further enacted*, That the superior court of law for Fairfax county shall sit twelve juridical days instead of six, as was heretofore directed, should the business of the court require it.

Judges vested with certain powers in vacation.

5. *Be it further enacted*, That each judge of the general court, in vacation, shall possess the same power, within or without his circuit, in granting writs of error, of supersedeas, of habeas corpus, of certioari, of holding to bail and letting to bail, as might have been done prior to the establishment of the superior courts of law for each county.

When the venue may be changed.

6. *Be it further enacted*, That the venue may be changed in any case depending in a superior court of law, by the general court, in the same manner as might be done before the establishment of the superior courts of law for each county.

Powers of judges in vacation in appointing clerks.

7. *Be it further enacted*, That each judge of the general court shall have power, and he is hereby authorised to supply in vacation, any vacancy which may occur in the office of clerk of any one of the superior courts of law, within his circuit, which appointment being accepted and qualified to, according to the form prescribed in like cases for clerks of the late district courts, shall authorise such clerk to proceed in the discharge of the duties of his office aforesaid, to the same extent and under the same restrictions, as the clerks of the late district courts, appointed in vacation, could have done.

Regulations as to certain causes which were at the rules in the former district courts.

8. *Be it further enacted*, That no suit at the rules in the late district courts, when the district court law was repealed, shall be discontinued in consequence of the rules in the respective clerks' offices, not having been held between the period of the expiration of the district court law and the commencement of the operation of the act establishing a superior court of law in each county.

Rep'ling clause.

9. So much of the above recited act, as comes within the purview of this act, shall be, and the same is hereby repealed.

Commencement.

10. This act shall commence and be in force from and after the first day of June next.

CHAP. LI.

☞ See sess'ns acts of 1808, ch. 18, *ante* ch. 19.

An Act to amend the fourth section of the Act, entitled "an Act for the Government and Regulation of the Manufactory of Arms.

[Passed February 8, 1810.]

Duty of the clerk to attest certain vouchers.

1. BE *it enacted*, That so much of the fourth section of the act, entitled "an act for the government and regulation of the manufactory of arms," as directs that every voucher admitted in discount of any contract entered into, for work to be performed in making arms, or completing the buildings or machinery, or keeping them in repair, shall be certified by the clerk of the manufactory of arms, shall be, and is hereby repealed; and it shall hereafter be the duty of such clerk to attest such voucher or vouchers instead of certifying the same, as by the said section is now directed.

2. *And be it further enacted*, That all vouchers which have been admitted in discount, since the passing of the above recited act, and have been certified and attested as aforesaid, shall be, and the same are hereby declared good and valid; any law to the contrary notwithstanding. Certain vouchers declared valid.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LII.

An Act to amend an Act, entitled "an Act concerning the Upper Appomattox Company." ☞ See sess. ons acts of 1807, ch. 88.

[Passed January 1, 1810.]

WHEREAS it is represented to the General Assembly, That the Upper Appomattox Company have not completed their canal, locks and other works; and the time fixed for the superintendants of the said company to return the money which might be drawn to defray the state's proportion of expense, has occurred before the work was finished, or the whole sum drawn, which was directed by the act, entitled "an act concerning the Upper Appomattox Company," passed February, one thousand eight hundred and eight, and it is judged unreasonable, that the superintendants or their securities should be personally liable for the money expended in carrying on the commonwealth's proportion of the said works; Preamble.

1. *Be it therefore enacted*, That the superintendants of the said company may, and they are hereby authorised, to draw upon the treasurer of the state for one fourth of the expenses which may be necessarily incurred in completing the said canal, locks and other works; and the auditor of public accounts shall issue his warrant for the same upon the treasury, which shall be paid out of any money therein: *Provided*, That the draft or drafts shall not exceed two thousand five hundred dollars; *And provided further*, That the said Appomattox Company, before any money is drawn from the treasury, shall execute a bond in their corporate capacity, to refund the same with interest to the state, on or before the twenty-fifth day of December, in the year one thousand eight hundred and twelve. Company authorised to draw on treasurer for certain amount. Proviso.

2. *And be it further enacted*, That in lieu of the bond taken from the superintendants and their securities, it shall be lawful, and the treasurer is hereby directed, to take from the Upper Appomattox Company, in their corporate capacity, a bond for the same amount, bearing like interest, payable on the twenty-fifth day of December, in the year one thousand eight hundred and twelve; and on such bond being executed, the treasurer is hereby directed to deliver up, to be cancelled, the bond heretofore executed by the superintendants. Certain bond given to the state, may be changed.

3. This act shall be in force from the passing thereof. Commencement.

CHAP. LIII.

An Act concerning the Lower Appomattox Company. See Rev'd Code, vol 2, Appendix, No. III, ch. 2, 4, 9, 10 & 12; see also sess'ns acts of 1811, ch. 35.

[Passed January 13, 1810.]

1. BE *it enacted by the General Assembly*, That the further time of seven years, to be computed from the first day of March next, shall be, and the same is hereby allowed the presi- Further time granted company to complete navigation.

dent and directors of the Lower Appomattox Company, to complete the navigation of Appomattox river; and so soon as the said president and directors shall have rendered the said river navigable, at high water mark in common flood tides, for vessels drawing seven feet water, it shall be lawful for the said president and directors, and they are hereby authorised to demand and receive of all vessels navigating the said river, laden wholly or in part, and amounting to fifteen tons and upwards, fifteen cents on every ton such vessel carries, in lieu of all other toll: *Provided however*, That nothing herein contained shall be so construed as to authorise the said president and directors to demand or receive toll of vessels lightening or loading other vessels which pay toll, or of such as bring hay or firewood to market, or of open boats.

Mode of charging toll.

Proviso.

2. And if any owner or master of a vessel shall refuse or neglect to pay toll at the time of offering to pass, the toll gatherer may lawfully refuse passage to such vessel; and if any vessel subject to the payment of toll as aforesaid shall pass without paying the same, the master, owner or skipper of such vessel shall forfeit and pay to the president and directors, for the use of the said company, seven dollars for every foot of water which such vessel may draw, to be recovered by motion in the Hustings Court of the town of Petersburg, ten days previous notice of such motion having been given to such master, owner or skipper.

Proceedings when persons shall refuse to pay toll.

3. *And be it further enacted*, That whenever it shall be deemed expedient by the said president and directors to contract the breadth of the said river, by jetties, it shall be lawful for the said president and directors to carry their abutments to high water mark on the shores of the said river, not actually used as seine fishing places.

Powers granted in certain cases to contract width of the river.

4. And if any person shall remove or otherwise injure the said jetties or posts which may be necessary to denote the channel of the said river, the person so offending shall forfeit and pay twenty dollars, recoverable in the name and for the use of the said president and directors of the said company, before any alderman for the town of Petersburg.

Penalties on offenders.

5. *And be it further enacted*, That whenever the said president and directors shall have completed the navigation of the said river, according to law, and shall apply to the Hustings Court of the said town, they shall thereupon proceed to appoint five commissioners, whose duty it shall be to examine upon oath whether the navigation of said river is completed according to the true intent and meaning of this act; and if the report of the said commissioners, which shall be entered of record, shall be affirmative, then, and not otherwise, the said president and directors shall be entitled to the tolls hereby granted.

When company shall be entitled to receive tolls.

6. This act shall be in force from the passing thereof.

Commencement.

CHAP. LIV.

An Act concerning the Dismal Swamp Canal Company.

[Passed January 23, 1810.]

See 2d vol. Rev'd Code, Appendix, No. IV.

1. BE *it enacted by the General Assembly*, That as soon as the consent of the Assembly of North-Carolina shall be obtained, it shall be lawful for the president and directors of the Dismal Swamp Canal Company, and they are hereby authorised to demand and receive, in lieu of the tolls heretofore allowed by law, tolls according to the following table and rates, to wit:

New tariff of tolls to be established as soon as consent of North Carolina is obtained.

Every pipe of wine,	*Cents* 100	
Every hogshead of rum or other spirit,	50	
Every hogshead of tobacco,	34	
Every hogshead of molasses,	25	
Every bushel of wheat, peas, rice or flaxseed,	2	
Every barrel of pork,	12	1-2
Every barrel of beef,	10	
Every barrel of fish,	6	1-4
Every barrel of flour,	10	
Every barrel of tar, pitch, rosin or turpentine,	6	1-4
Every cask of linseed oil or spirit of turpentine,	25	
Every ton of flax, hemp or potashes,	150	
Every ton of bar iron,	50	
Every ton of pig iron or castings,	50	
Every ton of stone or iron ore, other than ballast of the vessel,	8	
Every ton of copper, lead or other ore, other than iron ore,	42	
Every chaldron of coals,	10	
Every hundred bushels of lime or shells,	50	
Every thousand of bricks or tiles,	42	
Every hundred of pipe staves,	20	
Every hundred of hogshead staves, or pipe or hogshead heading,	12	1-2
Every hundred of barrel staves or barrel heading,	8	
Every thousand shingles from 18 to 24 inches,	18	3-4
Every thousand from 24 to 3 feet,	50	
Every thousand clapboards or pales,	50	
Every cord of fire wood,	25	
Every hundred cubic feet of plank or scantling,	100	
Every hundred cubic feet of all other timber (excepting masts or bowsprits, the length whereof exceeds 50 feet,)	75	
Every hundred cubic feet of masts or timber, the length whereof exceeds 50 feet,	150	
Every hundred pounds of brown sugar,	4	
All other produce, goods or merchandize, one fourth per centum,	1-4 p. c.	
Every boat or vessel exceeding one ton burthen, whether laden or empty, if she passes in or out of the outer locks, shall for the entire passage pay, per ton,	20	
Every boat or vessel under five tons burthen, whose employment is confined to transportation upon the canal only, without passing through the locks, which has not commodities on board to yield so much (except an empty boat returning whose load has already paid, in which case she is to pass free of toll) for each trip shall pay,	75	
Every boat or vessel under one ton burthen, which has not commodities on board to yield so much,	25	
Every man (except foot travellers who shall pass free) horse, ox in draft and wheel passing the causeys, except the loads they carry yield so much, or empty waggons or carts returning, whose load has paid toll,	12	1-2
Every head of black cattle,	6	1-4
Every hog or sheep,	2	

Provided, That nothing in this act contained shall be so construed as to deprive any subsequent legislature of the right to diminish the said tolls. Proviso.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the third day of December, one thousand eight hundred and ten.

CHAP. LV.

An Act imposing Taxes for the support of Government.

[Passed January 30, 1811.]

Public taxes for the year 1810.

1. BE *it enacted by the General Assembly*, That the public taxes for the year one thousand eight hundred and eleven shall be as follows, to wit: on lands for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been or shall be exempted in consequence of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse or jack ass, twice the price such horse or ass covers a mare by the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary licence five dollars, on every hundred dollars of the rent of such ordinary, to be ascertained by the rent paid by the tenant; and where such tavern is in the occupancy of the proprietor, the yearly value shall be ascertained by the commissioners of the revenue: *Provided*, That for every ordinary licence, not less than twelve dollars and fifty cents shall be paid: for every four wheeled riding carriage, except phætons and stage waggons, one dollar and twenty-five cents per wheel; for all phætons and stage waggons, eighty-four cents per wheel; for every other riding carriage with two wheels, forty three cents per wheel; for all houses and lots in town, one dollar and fifty-six cents on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant; and where such house or lot is in the occupancy of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by comparison of its value with that of other houses or lots actually rented; on every licence to sell merchandize of foreign growth and manufacture, by wholesale and retail, forty dollars; on every licence to retail such goods, fifteen dollars; on every licence to a hawker or pedlar, of dry goods, tin or pewter ware, thirty dollars; on each appeal to the court of appeals from the superior courts of chancery, and superior courts of law in this commonwealth, two dollars: *Provided*, that no taxes shall be collected on lands, lots, houses or other property belonging to this commonwealth, or to any county, town, college or seminary of learning, or attached to any house or houses for divine worship: *And provided also*, That nothing in this act shall be so construed as to prevent any farmer or planter, from selling salt, tea, sugar, molasses, coffee, spices, iron or steel to his neighbors, when such articles were purchased as a return load for his or her produce or other property taken to market.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. LVI.

An Act Appropriating the Public Revenue.

[Passed January 30, 1811.]

Public revenue, how appropriated.

1. BE *it enacted by the General Assembly*, That the taxes and arrearages of taxes not otherwise appropriated, due prior to the year one thousand eight hundred and eleven, & all other branches of public revenue which arise to the commonwealth prior to the first day of January, one thousand eight hundred and twelve, and the surplus of all appropriations heretofore made, shall constitute a general fund, and be appropriated in the following manner: For the expenses of the general assembly, fifty thousand dollars; for officers of civil government, seventy thousand dollars; for officers of militia, including adjutant general and brigade inspectors, clerks, adjutants, provost martials and musicians, six thousand five hundred dollars; for militia fine fund, one thousand five hundred dollars; for criminal charges, including guards in the country, nineteen thousand seven hundred dollars; for removing criminals to the penitentiary, three thousand dollars; for the internal charges of the penitentiary, including officers' salaries, nine thousand five hundred and forty-six dollars, and twelve cents; for slaves executed and transported, six thousand dollars; for public guard in the city of Richmond, eight thousand dollars; for lunatic hospital, eight thousand five hundred dollars; for the eighth instalment to the bank of Virginia, thirty thousand dollars; one year's interest on the state shares therein, three thousand six hundred dollars; for interest on the public debt, six thousand dollars; for pensioners, six thousand dollars; for repairs of public warehouses and commissioners, five thousand dollars; for commissioners of the revenue, fifteen thousand dollars; for the manufactory of arms, including foundery and boring mill, and officers' salaries, sixty-five thousand dollars; for rifles to be made under contract agreeably to an act of assembly, five thousand dollars; for the purchase of lead, and materials for powder, two thousand dollars; for public services of circuit court clerks, two thousand five hundred dollars; for clerks' and sheriffs' fees, five hundred dollars; for one hundred and fifty copies of the third volume of Hening's Statutes at Large, seven hundred and fifty dollars; for representation to congress and state senate, five hundred dollars; for gun carriages, including the expenses of repairing arms under contract, eight thousand nine hundred dollars; and for contingent expenses, fifteen thousand dollars.

Commencement.

2. This act shall commence and be in force from the passing thereof.

CHAP. LVII.

An Act making a further Appropriation for the Manufacturing of Arms.

[Passed December 29, 1810.]

Further sum appropriated for manufacturing arms, &c.

1. BE *it enacted by the General Assembly*, That the further sum of five thousand dollars, shall be, and the same is hereby appropriated, to supply a deficiency arising in the appropriation made during the year one thousand eight hundred and ten, for defraying the expenses attending the manufacturing of arms, to be paid

out of any money in the treasury not already otherwise appropriated.

Commencement. 2. This act shall commence and be in force from and after the passing thereof.

CHAP. LVIII.

An Act, to amend the Act entitled an Act, to amend an Act reducing into one Act the several Acts concerning the Court of Appeals.

☞ See sess'ns acts of 1806, ch. 22.

[Passed January 9, 1811.]

Act relative to the Court of Appeals, passed January 14, 1807 (see Revised Code, 2d vol. p. 127) repealed.

1. BE *it enacted by the General Assembly*, That, so much of the act, entitled "an act, to amend an act, reducing into one act the several acts concerning the court of appeals," passed January the fourteenth, one thousand eight hundred and seven, which reduces the number of judges to three; and so much of the said act as declares that the sum heretofore appropriated for the payment of the five former judges of the court of appeals, shall be equally divided among three judges, when that court shall be reduced to that number agreeably to the provisions of the said act, shall be, and the same is hereby repealed.

Court, hereafter, to consist of five judges. To commence the first of March, 1811. Length of session. Power of adjournment.

2. *And be it enacted*, That the court of appeals shall hereafter consist of five judges; any three of said judges shall constitute a court: the said court shall commence its sessions on the first day of March next, and its sitting shall be permanent if the business of the court require it: *Provided always*, that the court may in their discretion adjourn for short periods; but it shall be their duty to sit at least two hundred and fifty days in the year, unless they sooner dispatch the business of the court.

Salary of Judges. 3. *And be it further enacted*, That each judge shall be allowed two thousand five hundred dollars per annum for his services.

Commencement. 4. This act shall commence and be in force from and after the passing thereof.

CHAP. LIX.

An Act to amend the several Laws concerning the Court of Appeals.

[Passed February 13, 1811.]

Process, when returnable.

1. BE *it enacted by the General Assembly*, That all writs of error and of supersedeas, and all reviving and other process issuing from the court of appeals or under the order of one or more of the judges thereof, shall be made returnable to the first Monday in any month, after the award of such writ or process, that the party praying and suing out such writ or process may direct: *Provided always*, That there shall not be less than fifteen nor more than ninety days between the teste and return day of such writ or process; and the return of such writ or process to such day executed shall be effectual, whether the said court of appeals be, on the return thereof, in session or not: And whenever such writ or process shall not be executed, the clerk of the said court is hereby authorised and required to issue another like writ or process upon the application of the party suing out the former writ or process. And where any person plaintiff or defendant in any suit depending in the said court shall be dead, it shall be lawful for the clerk of the said court, during the recess of the court, upon application, to issue proper process to enable the court to proceed to a final judgment

If not executed, new process to be issued.

Clerk may issue process of *revivor* during recess of the court.

or decree, in the names of the representatives of such deceased person.

Appeals to be taken to the Court of Appeals *generally*; not to any *particular day*.

2. *Be it further enacted*, That all appeals from judgments of the general court and the superior courts of law for the several counties, and from decrees of the superior courts of chancery, shall be entered generally to the court of appeals, instead of being entered as heretofore to a particular day of the next term of that court.

From interlocutory decrees, to be decided within 60 days after the record shall have been carried up.

Duty of clerks of courts in such cases.

Copy of record in such case to be filed with the clerk of the Court of Appeals within two months from the time of allowance of the appeal.

3. *And be it further enacted*, That all appeals allowed from interlocutory decrees of the superior courts of chancery by the judge of such superior court, or any judge or judges of the court of appeals, shall be heard and determined by the said court of appeals within sixty days after the record in such appeal shall be carried up to the court of appeals: And it shall be the duty of the clerk of the superior courts of chancery, when appeals shall be allowed from such interlocutory decrees, to make out a copy of the record without delay; and should the party or parties at whose instance such appeal may be allowed, fail to file with the clerk of the court of appeals, a copy of the record within two calendar months from the time of the allowance of such appeal, such appeal shall be dismissed unless good cause be shewn to the contrary. The said court of appeals shall not stand adjourned for want of a sufficient number of judges to constitute a court, either at the commencement of its sessions, or after such commencement for a longer time than the want of such sufficient number continues; and when a sufficient number of judges to form a court shall attend, they shall proceed to business. It shall be the duty of the clerk of the said court to certify all judgments and orders of the said court as soon after they shall be rendered or made as can conveniently be done, unless the court for good cause shall otherwise direct. After the lapse of two calendar months from the rendition and entry of any judgment or decree of the said court, purporting to be a final one, the cause in which such judgment or decree shall be rendered and entered shall not be reheard. In case a transcript of the record in any appeal, writ of error or supersedeas shall not be filed with the clerk of the said court within six calendar months after the same shall have been granted, such appeal, writ of error or supersedeas shall be dismissed, unless good cause be shewn to the contrary. The said court, or any judge thereof in vacation, may grant writs of error or supersedeas to the judgments or decrees of the superior courts of law or of chancery, and allow appeals from the decrees of the latter in all such cases wherein writs of error and of supersedeas or appeals might have been heretofore allowed.

Court not to be discontinued for non-attendance of judges.

Judgments, orders, when to be certified by the clerk.

After final judgment or decree, and a lapse of 2 months, no rehearing to be granted.

If copy of record in any appeal, &c. be not filed within six months, appeal to be dismissed.

Writs of error or supersedeas to be granted by the court or any judge thereof in vacation.

Judges to be amenable to legal process during the sitting of the court.

4. And whereas a doubt exists whether a judge of the court of appeals be amenable to legal process in civil cases during the sitting of the court; *Be it therefore enacted*, That any judge of said court shall be liable to be sued, and shall be otherwise amenable to civil process during the terms of said court in the same manner as he would be during the recess of the court.

Commencement.

5. This act shall commence and be in force from the passing thereof.

CHAP. LX.

An Act directing the Sale of certain Public Property, and for other purposes.

[Passed February 13, 1811.]

Commissioners appointed to contract for building a house for the Governor.

1. BE *it enacted by the General Assembly*, That Matthew Cheatham, Nathaniel Selden, David Bullock, William M'Kim, Abraham B. Venable, William Wirt and Robert Greenhow, be, and are hereby appointed commissioners, who, or a majority of whom, shall have power to contract for the building of a house for the use of the governor of the commonwealth, on the lot on which the present governor's house stands.

Money appropriated.

2. *Be it further enacted*, That, for the erection and completion of said building, the sum of twelve thousand dollars shall be appropriated, which sum the said commissioners shall not have power to exceed; nor shall the commonwealth in case of excess be in any wise liable therefor.

Commissioners to sell certain public property.

The commissioners aforesaid shall also have power to sell at public auction, for cash, or on a short credit, the lot of ground lying between Wright Southgate's and Edmund Randolph's, and to convey to the purchaser or purchasers all the commonwealth's title to, and interest in said lot; and also to sell, for the best price that can be obtained, the materials of which the present governor's house is composed; and the monies arising from such sales it shall be their duty to pay into the public treasury.

To rent a house for one year, for the Governor's use.

3. *Be it further enacted*, That for the present accommodation of the governor, the commissioners aforesaid are hereby authorised to rent, for one year, on the best terms, a suitable and convenient house in the city of Richmond.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. LXI.

*An Act to amend the several Laws concerning Escheats.**

[Passed February 14, 1811.]

Information, of lands liable to escheat, to be in *writing*, & *on oath or affirmation.*
☞ See Rev. Code 2d vol. p. 30, 31.

1. BE *it enacted by the General Assembly*, That any person, other than a commissioner of the public revenue, furnishing to an escheator of this commonwealth information of lands liable to escheat according to the first section of an act passed January the twenty-first, one thousand eight hundred and four, entitled "An act, to amend an act, entitled an act concerning escheators," shall reduce the same to writing, and make oath or affirmation thereto, before it shall be the duty of the escheator to proceed to hold an inquest.

Power given Escheator to adj'rn his inquest from day to day.

2. *And be it further enacted*, That, when a jury of inquisition for escheat shall be convened, and shall not be able to complete the same in one day, the escheator shall have power to adjourn the proceedings from day to day, until the same be tried and finished; and any juror failing to attend the inquest according to the first summons, or according to adjournment, shall be returned to the next superior court of law for the county where the inquest is to be holden, and shall be liable to a fine not exceeding fifty dollars.

Penalty on jurors failing to attend.

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* See Revised Code, 1st volume, ch. 82, 180, 224—2d volume, ch. 30, acts of 1803, ch. 77, 1809, ch. 14, *ante* ch. 44.

3. *Be it further enacted*, That the escheator of each county in the state shall, within sixty days after any inquisition found on behalf of the commonwealth, transmit to the register of the land office a certificate of the number of tracts of land or lots escheated by any such inquisition and office found, the reputed area or quantity of such land, the county where situated, and the name or names of the person or persons found to have died seized, or the name or names of the person or persons from whom the said lands escheated. And thereupon it shall be the duty of the register to cause the contents of every such certificate to be published six weeks in some newspaper in the city of Richmond and in the city of Washington. And it shall be the duty of the register to lay before the executive a copy of the said certificates, who shall direct the sale of the said escheated lands, at such times and places within the county, and upon such terms as to them shall seem proper: *Provided*, that a sale of any escheated land shall not be directed by the executive until the expiration of twelve months from the time of publication before required. And no sale shall hereafter be made of any escheated lands by any escheator, unless by order from the executive.

Certificate to be transmitted by the Escheator to the Register,

and to be published.

Sale of escheated lands to be directed by the executive.

4. *And be it further enacted*, That the term of twelve months, from the time of making the publication aforesaid, shall be hereafter allowed for the commencement of any claim to the said lands. And it shall be the duty of the clerks of the county and circuit courts, within the jurisdiction of which the escheated lands lie, within two months from the expiration of the said twelve months, to certify to the executive whether any claim has been made or not; and where claim is made, it shall be the duty of the clerk of the court in which such claim is made, to certify whether there has been a decision in favor of the commonwealth or not, within two months after such decision shall have been made.

Claim to be made in 12 months after such publication.

Clerks of county and circuit courts to certify to the Executive.

5. This act shall be in force from the passage thereof.

Commencement.

CHAP. LXII.

An Act to Provide for the Education of the Poor.

[Passed February 12, 1811.]

BE *it enacted by the General Assembly*, That all sums of money which have accrued, or may hereafter accrue to the literary fund established by an act, entitled an act, to appropriate certain escheats, penalties, confiscations and forfeitures to the encouragement of learning, shall be, and the same are hereby vested in the following persons, to wit, The governor, lieutenant governor, treasurer, attorney general and president of the court of appeals of this commonwealth for the time being, and they and their successors are hereby constituted a body politic and corporate under the denomination of the president and directors of the literary fund, with power to sue and be sued, plead and be impleaded, and to hold lands and tenements, goods and chattels, and the same to sell, dispose of or improve for the purposes hereafter mentioned. And the said commissioners, or any three of them shall have power to constitute a board for the transacting of all business relative to the said fund; of which board, when present, the governor shall be president; and they shall have power to appoint a clerk from without their own body, and such other officers as they may deem necessary, and to make such rules and regulat

Literary fund vested in the Governor and others, who are constituted a body politic and corporate.

Denomination.

The Governor to be the President.

Power to appoint a clerk and other officers, &c.

ons for the better ordering of their proceedings as to them may seem meet: *Provided* they be not inconsistent with the constitution and laws of this commonwealth. And the said president and directors shall report to the general assembly once in every year the state of the funds committed to their charge, with such recommendations with regard to the improvement thereof, as to them shall seem advisable.

To report to the General Assembly annually.

Annual lottery for seven years authorised.

2. *And be it further enacted*, That, in further aid of the said fund, the said president and directors are hereby empowered to raise annually for a term of years not exceeding seven, by lottery, any sum not exceeding thirty thousand dollars. In recovering money due for tickets in said lottery, the said president and directors may have remedy by motion against the purchasers thereof, and the agents and their securities who may be appointed to sell the same: *Provided moreover*, that it shall be lawful for the said president and directors to conduct all the operations of such lottery in person or by commissioners or agents by them appointed for that purpose, or, if it be deemed more advisable, to contract for the drawing of the said lottery, with any undertaker or undertakers, for such share of the profit thereof as to them may appear reasonable; reserving to the fund which it is designed to aid, or not, at their discretion, a greater or less interest in such lottery.

To be conducted by president and directors in person, or by agents, or by an undertaker or undertakers.

Attorney or agent to be appointed in each county.

3. And for the more speedy and certain collection of the literary fund throughout the commonwealth, the said president and directors are authorised and required to appoint in each county and corporation therein an attorney or agent for the collection of the funds of that county or corporation, who shall act without any fee or emolument, and whose duty it shall be to report to the president and directors, from time to time, such portion of the said fund as any officer appointed to collect the same may have collected and failed to pay into the public treasury, or such portion thereof as may be uncollected in the hands of any person, and to authorise proper actions to be instituted for the recovery thereof in the name of the said president and directors; the costs of which shall be defrayed by the said president and directors out of the literary fund: *Provided*, that nothing in this act shall be construed to prevent the sheriffs of the respective counties from collecting such fines and other sums of money as they are at present by law authorised and required to collect and account for.

His duty.

Proviso.

A school or schools, for the education of the poor, to be established in each county.

4. *And be it further enacted*, That as soon as a sufficient fund shall be provided for the purpose, it shall be the duty of the directors thereof to provide a school or schools for the education of the poor in each and every county of the commonwealth.

Solemn protest against any future legislature's misapplying the literary fund.

5. And whereas by an act, entitled an act to appropriate certain escheats, penalties, confiscations and forfeitures to the encouragement of learning, it is provided, that the literary fund herein mentioned shall be appropriated to the sole benefit of schools to be kept in each and every county in this commonwealth, an object equally humane, just and necessary, involving alike the interests of humanity and the preservation of the constitution, laws and liberty of the good people of this commonwealth; the present general assembly solemnly protest against any other application of the said funds by any succeeding general assembly to any other object than the education of the poor.

Commencement.

6. This act shall commence and be in force from the passing thereof.

CHAP. LXIII.

An Act to explain and amend an Act, entitled an Act to appropriate certain Escheats, Penalties, Confiscations and Forfeitures to the encouragement of Learning.

☞ See sess'ns acts of 1809, ch. 14, *ante* ch. 44.

[Passed February 11, 1811.]

Preamble. WHEREAS doubts have arisen in the construction of an act of the General Assembly, passed on the second day of February, in the year one thousand eight hundred and ten, entitled "An act to appropriate certain escheats, penalties, confiscations and forfeitures to the encouragement of learning," and it is desirable to remove such doubts, and further to amend the said act:—Therefore,

☞ See acts 1809, ch. 14, pa. 15.

All fines and pecuniary penalties (except militia fines) appropriated to literary fund.

1. *Be it enacted by the General Assembly*, That all fines and pecuniary penalties heretofore imposed by any act of assembly, or declared by the common law and now recoverable under the laws of the commonwealth, of whatever nature or kind they may be, (except militia fines) and to whatever use or purpose appropriated, shall accrue to the commonwealth, be paid into the public treasury, and appropriated to the encouragement of learning in the manner prescribed in the above recited act: *Provided nevertheless*, that nothing in this section, or in the said recited act contained, shall be construed to affect the rights of informers, or of persons prosecuting popular or *quitam* actions, or of individuals suing for penalties appropriated by law to the party injured.

Proviso.

Confiscations, forfeitures and *derelict* personal property, together with *arrears* of muster fines (not now by law otherwise applied) appropriated to the same fund.

2. *Be it further enacted*, That all confiscations and forfeitures accruing to the commonwealth, and all personal property accruing to the commonwealth as *derelict*, together with all arrears of muster fines due to the commonwealth in every county and town within the same, and which are not now by law otherwise applied, shall be appropriated to the encouragement of learning, and applied to the support of the literary fund in the manner prescribed by the above recited act.

Fines or penalties given to the informer, &c. may (before prosecution commenced, and duly prosecuted) be sued for by the commonwealth.

Fines and penalties, so recovered by the commonwealth, appropriated to the same fund.

3. *Be it further enacted*, That in all cases where, by law, any fine or penalty, either wholly or in part is given to the informer, or to any person who will sue for the same, it shall be lawful for the commonwealth, at any time before a prosecution or suit shall have been bona fide commenced and duly prosecuted by such informer or person entitled to sue, to sue for and recover such fine or penalty by bill, plaint, information, presentment or indictment as the case may require, in any court of record within this commonwealth, having jurisdiction thereof: every fine and penalty so recovered by the commonwealth, shall be appropriated to the support of the literary fund in the manner directed by the aforesaid act.

Commencement.

4. This act shall commence and be in force from the passing thereof.

CHAP. LXIV.

An Act authorising Bail to be taken in certain cases.

[Passed February 13, 1811.]

Preamble. WHEREAS doubts exist whether justices of the peace can lawfully admit to bail persons arrested in certain cases under process issuing from the superior courts of law and of chancery;

County or corporation court, or any two justices to admit to bail in certain cases.

1. *Be it therefore enacted*, That it shall be lawful for the court of any county or corporation, or any two justices thereof, to admit to bail any person who may have been, or shall hereafter be arrested under the following process, that is to say; under any capias issuing from the general court, or any superior court of law, to compel the appearance of such person to answer any presentment, indictment or information for a misdemeanor, or to hear judgment on such presentment, indictment or information, or under any attachment issuing from the general court, the court of appeals, any superior court of law, or any superior court of chancery, to bring the body of such person before such court. It shall be the duty of the court or justices, so admitting such person to bail, to take from him and his bail a recognizance in a sufficient sum, regarding the nature of the case and the estate of the offender, conditioned for the personal appearance of such person before the court from which the process, under which he was arrested, shall have issued, and at such time as may be required by said process. The said court or justices shall forthwith deliver such recognizance, duly certified, to the sheriff or other officer by whom the arrest was made, to be returned to the court from which the said process issued. If such sheriff, or other officer shall fail to return the said recognizance, to the court from which the said process issued, on or before the return day of such process, he shall be subject to the same penalties as if he had failed to return the process itself.

Recognizance to be taken;

and delivered to the arresting officer.

Penalty on him for failing to return such recognizance.

Proviso.

2. *Provided*, That nothing herein contained shall be construed to extend to any attachment issued to compel the performance of any decree in chancery, or the payment of any money due to witnesses, or others, by any order, judgment or decree.

Proceedings to be had on such recognizance, if it be forfeited.

3. *Be it further enacted*, That if any such recognizance shall be forfeited, it shall be lawful for the court, into which the same is properly returnable, to proceed thereon in the same manner as if it had been entered into in such court.

Commencement.

4. This act shall commence from and after the passage thereof.

CHAP. LXV.

An Act to amend the several Laws concerning the Superior Courts of Law in this Commonwealth.

[Passed February 14, 1811.]

Preamble.

WHEREAS in construing the several laws concerning the superior courts of law in this commonwealth, doubts have arisen whether the said courts, or any of them, have jurisdiction to hear and determine motions on behalf of securities against their principals, and of a security or securities against others jointly bound with them as security in the same obligation, to recover money paid under the judgment of a former district court; for the removal whereof,

Superior courts of counties to have jurisdiction as to motions on behalf of securities.

1. *Be it enacted by the General Assembly*, That each superior court for the county in which a district court may have been holden, shall have, exercise, possess and enjoy the same jurisdiction to hear and decide all questions arising on motions made, either by a security against his principal to recover money paid under a judgment of the said district court, or of a security or securities against others jointly bound with him or them in the same obligation, where the principal obligor proves insolvent, to recover their and each of their respective shares and proportions of the debt

paid under the judgment of the said district court, as the said district court had previous to the passage of the act, entitled an act to organize and establish a superior court of law in each county of this commonwealth.

In contests concerning mills, roads, probate of wills, and obtaining administrations, party desirous of appealing must spread the evidence on the record.

2. *Be it enacted*, That in future in all actions, suits or contests whatsoever in any of the superior courts of law within this commonwealth, where the contest shall be concerning mills, roads, the probate of wills or certificates for obtaining administration, any person or persons, body politic or corporate feeling aggrieved by the judgment or sentence of any of the said courts, and being desirous to appeal from the said judgment or sentence, or to obtain a writ of error or supersedeas thereto, shall spread the testimony on the record; and that in future it shall not be lawful for the court of appeals in any civil action to hear or receive parol testimony.

Court of Appeals not to hear parol testimony.

Recital of inconveniences (in cases brought up from the Dumfries district court) arising from the judgment of the court of appeals, being certified to the superior court of *Fairfax* county.

3. Whereas inconveniences have arisen in cases carried up by appeal, writ of error or supersedeas from the former Alexandria Hustings Court to the court for the district composed of the counties of Fairfax, Fauquier, Loudoun and Prince William, and from thence to the court of Appeals, in consequence of the said court of appeals being bound, by the existing laws, where the judgment sought to be corrected be not affirmed or reversed in the whole, to certify their judgment to the superior court of law for that county where the judgment was rendered; the certified judgment being now sent to the superior court of law for the county of Fairfax, which court possesses neither the original or appellate proceedings; the aforesaid district court having been held at Dumfries, in the county of Prince William; for the removal whereof, *Be it enacted*, that whenever the court of appeals shall find it necessary to certify to the superior court of law, on any judgment which had been brought up by appeal, writ of error or supersedeas from the former Hustings Court of Alexandria, it shall be the duty of the court of appeals to certify their judgment to the superior court of law for the county of Prince William.

Certificate to be made, hereafter, to the superior court for *Prince William* county.

☞See Rev. Code 1 vol. p. 390, § 1.

Repeal of part of the 1st section of the act concerning executions, passed January 24th, 1799.

Executions from the superior courts of law, returnable in 15 days.

4. *Be it further enacted*, That so much of the act, entitled an act, to amend the act, for reducing into one the several acts concerning executions, and for relief of insolvent debtors, as requires that there shall be thirty days between the teste and return of executions on judgments of the former district courts of law, shall be, and the same is hereby repealed; and that in future there shall be fifteen days between the teste and return of executions emanating from the offices of the superior courts of law, whether the said executions be made returnable on the first day of the next succeeding court, or on the first day of the month.

Judges of the general court may exchange their circuits, with the approbation of the general court. But not for a longer period than one year at a time.

5. *Be it further enacted*, That it shall be lawful for the judges of the general court, from time to time, to exchange with each other the circuits to which they are respectively assigned, by an arrangement made between any two of them, approved by the general court, and there entered of record: *Provided*, that such exchange shall not be for a longer period than one year at any one time. Whenever any such arrangement shall have been made, approved and recorded as aforesaid, it shall be the duty of each judge making such arrangement to hold courts in the several counties of the circuit, to which the other may have been assigned, during the period of time for which the exchange shall have been agreed on; in the same manner as the judge assigned by law to

Proviso, as to the residence of the judges.

that circuit is now bound to do: *Provided*, that nothing herein contained shall be construed to authorise any judge during the period of such exchange, to reside out of the circuit to which he may have been assigned by law.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. LXVI.

An Act concerning the Records and Papers of certain Superior Courts of Law.

[Passed January 15, 1811.]

Records, &c. of the superior courts for Mason, Cabell, Richmond, Goochland and Greensville counties, where to be kept.

1. BE *it enacted by the General Assembly*, That until the county courts of Mason, Cabell, Richmond, Goochland and Greensville shall cause offices for the clerks of the said counties to be erected at their respective court-houses according to law, the said clerks, who are also clerks of the superior courts of law of the said counties, shall be, and are hereby authorised to keep the records and papers of the last mentioned courts, and in vacation to transact the business thereof, at such places as they now are, or hereafter may be permitted to keep the records and papers of their county courts.

Where offices have not been built for clerks of superior courts, records, &c. where to be kept.

2. *And be it further enacted*, That in all cases where offices have not been provided for the clerks of superior courts of law, such clerks may keep the records and papers of the said courts at such places as the judges thereof shall think fit, and so enter of record.

Commencement.

3. This act shall be in force from the passing thereof.

CHAP. LXVII.

An Act, to amend the Act, entitled an Act for regulating Conveyances, and also to amend the Act, entitled an Act, reducing into one the several acts concerning Wills, the distribution of Intestates' Estates, and the duty of Executors and Administrators.

(Passed February 12, 1811.)

Preamble.

WHEREAS it has been represented to this General Assembly, that the 8th section of the "Act for regulating conveyances," and the 37th section of the "Act, reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators" is imperfect, and that many of the clerks of the respective courts of record within this commonwealth have failed to transmit to the clerk of the general court dockets of writings admitted to be recorded in said courts, and lists of certificates for probats and administrations, as by the aforesaid sections they are required—For remedy whereof,

☞ See Rev. Code 1 vol p. 158, and *Ibid* p. 165.

Clerks of courts of record to deliver, annually, to the clerk of the general court a docket of all writings admitted to record.

1. *Be it enacted by the General Assembly*, That it shall be the duty of the clerks of the respective courts of record within this commonwealth, on or before the first day of June annually, to deliver, or cause to be delivered to the clerk of the general court, a docket of all writings admitted to be recorded in such courts within the preceding year, (commencing from the first of January) containing the dates thereof, and of the acknowledgments and probats, the names, surnames and additions of the parties thereto in alphabetical order, and the quantities and situations of land, num-

bers and names of slaves and descriptions of personal estate conveyed thereby, in the following form:

Form of such docket.

Kind of conveyance	Date	When ackn'd. or proved.	Names of the parties, &c.	Quantities and situations of land, number and names of slaves & description of personal estate conveyed.

Also a list of all certificates for probats and administrations.

And it shall likewise be the duty of the said clerks respectively to deliver, or cause to be delivered, on or before the said first day of June, annually, to the clerk of the general court, a list of all certificates for probats and administrations granted in their courts respectively within the preceding year, commencing from the said first day of January, in this form:

Form of such list

Date of certificate	Penalty of bond.	Name of testator or intestate	Names of Executors	Names of administrators	Names of securities.

Receipt may be demanded.

For which said docket and list, the said clerks respectively may demand of the clerk of the general court his receipt.

Penalty on clerks for failure.

Mode of recovery.

2. And if any clerk shall fail herein, for every such failure he shall forfeit and pay to the commonwealth forty dollars, to be recovered on motion, without notice, in the general court, and the *onus probandi* shall lie on the defendant.

Duty of the clerk of the general court,

3. And the clerk of the general court shall, after the first day of June, and before the sitting of the next general court thereafter, in each year, deliver to the attorney general a list of the clerks (if any) who shall have failed to deliver, or cause to be delivered to him the dockets of writings and lists of certificates for probats and administrations, agreeably to the directions of this act; and it shall be the duty of the attorney general to proceed to a recovery of the penalty aforesaid.

and of the attorney general.

Farther duty of the clerk of the general court.

4. *And be it further enacted*, That it shall be the duty of the clerk of the general court, immediately after the passage of this act, to make out and deliver, or cause to be delivered to the clerks of the respective courts of record within this commonwealth, a statement shewing the years for which said clerks have failed to deliver to him the dockets of writings and lists of certificates for probats and administrations, as directed by the 8th section of the act, entitled "An act for regulating conveyances," and the 37th section of the act, entitled "An act, reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators;" for which statement he may demand receipts of the said clerks respectively.

Clerks of courts of record to make out and deliver dockets and lists which ought heretofore to have been furnished.

5. And it shall be the duty of the said clerks respectively, within five months after receiving the said statement from the clerk of the general court, to make out and deliver, or cause to be delivered to the clerk of the general court, a docket of the writings, and lists of certificates for probats and administrations, which shall appear by the said statement of the clerk of the general court not

to have been delivered to him, as directed by the aforesaid sections of the acts aforesaid; for which they may respectively demand the receipt of the clerk of the general court. And if any clerk shall fail herein, he shall forfeit and pay to the commonwealth fifty dollars, to be recovered in the general court, on motion, without notice, by the attorney general, and the *onus probandi* shall lie on the defendant.

May demand receipt.

Penalty for failure.

Mode of recovery.

Successor of a clerk to perform duties omitted by him;

6. And where any clerk shall have departed this life, having failed to deliver, or cause to be delivered to the clerk of the general court, the dockets of writings and lists of certificates, as required of him by the 8th and 37th sections of the before recited acts, it shall be the duty of the successor of such deceased clerk to perform all the duties which his predecessor would have been bound to do, by the aforesaid sections, in relation to the said dockets of writings and lists of certificates, &c. for which services he may demand and receive of the executor or administrator of the said deceased clerk, the same fees as are allowed by law to the clerk of the general court for recording the same.

for which he may demand fees of his executor or administrator.

Repealing clause.

7. All acts, and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Commencement.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. LXVIII.

☞ See 2d R.C. pa. 95, and acts of 1805, ch. 63.

*An Act, to amend the Act, entitled an Act to amend the several Laws concerning Slaves.**

[Passed January 17, 1811.]

Preamble.

WHEREAS many inconveniences have arisen from the operation of an act passed on the 25th of January, one thousand eight hundred and six, entitled, "An act to amend the several laws concerning slaves:" For remedy whereof,

Persons, citizens and residents of this commonwealth, authorised to bring in slaves held by marriage, inheritance or devise, from any other of the U. States, or from any of the territories thereof.

Under certain regulations.

1. *Be it enacted by the General Assembly*, That all persons, citizens of this commonwealth, and residing therein, who now are, or hereafter may be entitled, by marriage, descent or devise to any slave or slaves in any other of the United States of America, or in any of the territories thereof, shall be at liberty to remove such slave or slaves into this state, and to keep the same therein; any thing in the above recited act to the contrary notwithstanding: *Provided*, that such person or persons, within sixty days after the removal of any such slave or slaves into this commonwealth, shall produce and offer for record to the court of the county or corporation, in which he, she or they may reside, a certificate from the court of the county or corporation, from which such slave or slaves shall have been removed; or if there be no such county or corporation court, a certificate from some other court of record, having jurisdiction over the place from which such removal may have been; specifying the manner in which such person or persons shall have acquired title to such slave or slaves, containing a description of their persons and names, and duly authenticated in the manner prescribed by law for the authentication of deeds executed by persons residing out of this state, and to be recorded in the courts of this commonwealth. The clerk of the court to which such certificate is offered, shall record the same, and for the re-

See Rev'd Code, 1 vol. p. 157, § 5.

Clerk of the court to record such certificate.

* See farther acts of 1811. ch. 26, *post* ch. 106.

cording thereof, shall be entitled to the same fee, as is now allowed by law for recording deeds conveying personal property only. His fee.

2. This act shall commence from and after the passing thereof, and be, and continue in force for and during the term of two years and no longer. Commencement and duration.

CHAP. LXIX.

An Act authorising the Executive to appoint Commissioners, to unite with Commissioners to be appointed on the part of the United States, in running a Line between the Lands reserved by, and the Lands ceded by this Commonwealth in the State of Ohio.

[Passed February 13, 1811.]

WHEREAS it is expedient that a line should be permanently established between the lands reserved by this commonwealth for the benefit of the officers and soldiers of the Virginia line, and lying between the rivers Scioto and Miami, in the state of Ohio, and the other lands ceded by this commonwealth to the United States, by deed bearing date the first day of March, in the year one thousand seven hundred and eighty four; Preamble.

1. *Be it enacted by the General Assembly, and it is hereby enacted*, That the governor of this commonwealth be, and he is hereby empowered, by and with the advice of the privy council or council of state, to appoint three commissioners, who, or any two of whom, acting in conjunction with an equal number of commissioners to be appointed on the part of the United States, shall run a line for the purpose aforesaid, so as to distinguish clearly, throughout the whole course of the said line, the lands reserved as aforesaid, from the other lands ceded as aforesaid, according to the true intent and meaning of the said deed of cession. And the better to enable the commissioners aforesaid to discharge the duties hereby assigned to them, the governor, by and with the advice of council, is also authorised to appoint a surveyor to aid them in running said line, who shall be entitled to the same compensation, and take the same oath as a commissioner. Three commissioners to be appointed to act with an equal number on the part of the United States. To run a line between the lands ceded and the lands reserved by Virginia, in the state of Ohio. A surveyor to be appointed to assist them. His compensation.

2. *Be it farther enacted*, That the line which may be run by the commissioners appointed by virtue of this act, and the commissioners acting on the part of the United States, shall be considered hereafter as the true line between the lands reserved as aforesaid, and the lands ceded as aforesaid; unless the legislature of this commonwealth shall, during its first or second session, after the report of the said commissioners shall have been made to the executive, disapprove the same: *Provided however*, that nothing in this section contained shall be obligatory, unless the act of the Congress of the United States, under which the commissioners of the United States may be appointed, shall contain a provision to the same effect. Line to be established, unless disapproved by the Legislature within a certain period. Proviso.

3. *Be it farther enacted*, That the commissioners who may be appointed by virtue of this act shall be entitled to sixteen cents for every mile they may travel from their respective places of abode to the point at which the said line shall commence, and the sum of six dollars per diem, during the time for which they may be actually engaged in running the said line. Commissioners' compensation.

4. Each commissioner who may be appointed by virtue of this act shall take an oath before the governor and council, or before Oath to be taken.

the court of the county in which he resides, to be certified by the clerk of the court to the governor and council, that he will honestly, impartially and diligently perform the duty prescribed by this act.

Commencement. 5. This act shall be in force from the passing thereof.

CHAP. LXX.

*An Act concerning Lands forfeited for the non-payment of the Taxes due thereon.**

[Passed February 14, 1811.]

Forfeited lands to remain the property of the commonwealth. (See Acts of 1808, ch. 14, pa. 22, of the sessions acts—and acts of 1809, ch. 16, pa. 17, of the sessions acts.)

1. BE *it enacted by the General Assembly*, That all lands which shall become forfeited to this commonwealth, by virtue of an act, entitled, "An act providing for the redemption of certain lands forfeited by the non-payment of the taxes thereon," and by virtue of one other act, entitled, "An act to compel persons who own lands in this commonwealth to cause the same to be entered in the books of the commissioners of the revenue, and for other purposes," shall remain the property of the commonwealth, and be subject to such future disposition as may hereafter by law be directed: *Provided*, That no forfeiture of such lands shall accrue in any case where the arrears of taxes, with ten per centum per annum interest thereupon, shall be paid into the treasury on or before the first day of November 1811; and that no forfeiture of any lands occasioned by the failure of any tenant for life to pay the taxes due thereon shall operate on any other estate except that of such tenant for life, unless such estate be found to be insufficient to pay the arrears of taxes due thereon: *And provided*, that the rights of infants, femes covert, and persons of unsound mind shall not be affected by this act, until eighteen months after such disabilities shall have ceased.

No such forfeiture to accrue, if taxes be paid with ten per cent interest, on or before the first of Nov. 1811.

Forfeiture occasioned by failure of tenant for life, to operate on *his estate only*, if it be sufficient to pay the taxes

Proviso, in favor of infants, &c.

2. *And be it further enacted*, That nothing contained in the act last above recited shall be so construed as to require that any lands, already entered, and now remaining on the books of the commissioners of the revenue in this commonwealth, shall be re-entered thereon.

Lands, already entered on the books of the commissioners, not to be re-entered.

Rep'ling clause. 3. *And be it further enacted*, That so much of the above recited acts as comes within the purview of this act, shall be, and the same is hereby repealed.

Commencement. 4. This act shall commence and be in force from the passing thereof.

CHAP. LXXI.

An Act, to amend the Act, entitled an Act, to prevent the destruction of Oysters within this Commonwealth.

See R. C. 2d volume, page 28, and acts of 1803, ch. 51.

[Passed January 9, 1811.]

Penalties for using improper instruments in catching oysters. 1. BE *it enacted by the General Assembly*, That if any person shall use any drag, scoop or rake, or other instrument, except tongs, such as have been generally used for the purpose of catching oysters within the waters of this state, every person so offending, and being thereof convicted before a magistrate of either of the counties adjoining the water course in which the offence has been committed, shall forthwith pay the sum of twenty

* See also acts of 1811, ch. 18, 19—*post* ch. 98, 99.

dollars, or, in case of failure so to do, shall at his or her election receive on his or her bare back so many stripes as such magistrate shall direct, not exceeding twenty, or be committed by such magistrate to the public jail of the county, there to remain without bail or mainprize for sixty days, unless such fine of twenty dollars be sooner discharged. One half of every fine which may be received under this act shall be applied towards lessening the levy of the county wherein the offender shall be convicted, and the other to the use of the informer, in case the evidence, without his or her testimony, was sufficient to convict the offender; if not, the whole amount of such fine shall be applied as aforesaid towards lessening the county levy.

2. This act shall be in force from the passing thereof. Commencement.

CHAP. LXXII.

An Act, to amend an Act entitled, an Act reducing into one the several Acts for unloading Ballast and Burial of dead Bodies from on board Ships, and prohibiting the putting sick or disabled Seamen and Servants on Shore without providing for their maintenance.

[Passed February 7, 1811.]

1. BE *it enacted by the General Assembly*, That the several penalties imposed by the act, entitled "An act, reducing into one the several acts for unloading ballast and burial of dead bodies from on board ships, and prohibiting the putting sick or disabled seamen and servants on shore without providing for their maintenance," which shall hereafter be incurred by the violation of any of the provisions of the said act, shall be, and the same are hereby declared to be recoverable by action of debt, bill, plaint or information before any court of record within this commonwealth, to be prosecuted at the suit of the commonwealth, or of any informer; and, where prosecuted by an informer, one half of any penalty or penalties recovered on such prosecution shall be to the use of the informer.

See Rev'd Code 1st vol. p. 204. Penalties imposed by the act (of which this is amendatory) how to be recovered.

2. *And be it further enacted*, That in all suits instituted for the recovery of any of the aforesaid penalties, the nature of the offence and the amount of the penalty incurred shall be endorsed on the process issued, and that appearance bail is to be required; on pain of having the suit dismissed with costs; and it shall be the duty of the sheriff, sergeant or coroner executing the said process, to require bail of the defendant or defendants, and the sheriff, or other officer shall return on the process the name of the bail by him taken, and a copy of the bail bond to the clerk's office from which the process issued, before the day of appearance; and the same proceedings may be had as in other cases where appearance bail is required. And it shall be lawful for the clerk of any court of record in which such suit or suits may be commenced to issue the process in such suit directed to all sheriffs, sergeants and coroners within the commonwealth; and by virtue thereof it shall be the duty of the sheriff, sergeant or coroner of the county or corporation where such process shall issue, and also of the sheriffs, sergeants and coroners of any county or corporation in this commonwealth, where the said defendant or defendants may be found, to execute the said process according to the provisions of this law, and return the same to the court from whence it issued; and where the defendant or defendants, or any of them shall be found on any

Regulations relative to suits instituted for the recovery of such penalties.

Indorsement on process.

Bail required.

Duty of the sheriff or other officer.

Process to run to all sheriffs, &c. within the commonwealth.

To be executed in any county or corporation;

or on any river, bay or creek adjacent to any county or corporation.

river, bay or creek adjacent to any county or corporation within this commonwealth, either or any of the said officers of such county or corporation, may and shall execute such writ or other process on him or them.

Duty of officer where bail is not given.

3. If the defendant or defendants, taken by any writ or other process issued under the authority of this act, shall fail to give to the officer executing the same, good bail, where it is required by such writ or process, the officer executing the same shall convey the defendant or defendants to the sheriff of the county, or sergeant of the corporation from which the process issued, who shall commit him or them to the jail of his county or corporation, there to remain until such bail be given, or until he or they are discharged by due course of law. And the sheriff, sergeant or coroner shall be allowed the same fee per mile for conveying the defendant or defendants as was allowed for removing criminals from the county to the district jails, to be paid out of the estate of the defendant or defendants, if any they have, and if not, then by the person prosecuting said suit, where the same is instituted by an informer; and if the suit be instituted in the name and at the instance of the commonwealth, then the fees to be paid in like manner as expenses for criminal prosecutions are now paid.

Fee to the sheriff or other officer.

By whom to be paid.

Commencement.

4. This act shall commence and be in force from and after the first day of April next.

CHAP. LXXIII.

See sess'ns acts of 1811, ch. 59.

An Act appointing Commissioners to view, mark out and open a Road from the North Carolina Line, across Taylor's Ferry, through certain Counties therein mentioned to Manchester, and for other purposes.

[Passed February 4, 1811.]

Commissioners appointed to view, mark out and open a road from the N. Carolina line, across Roanoke river at Taylor's ferry, Meherrin river at Saffold's bridge, & thence to Manchester.

1. BE *it enacted by the General Assembly*, That James Wilson and Mark Alexander, of the county of Mecklenburg, and William Ragsdale and Edmund Winn, of the county of Lunenburg; Samuel Gilliam and Joseph Maclin, of the county of Brunswick; Peter Robinson and Thomas Epes, of the county of Nottoway; Chamberlane Jones and George Pollard, of the county of Amelia; Henry Cousins and Joseph W. Harper, of the county of Dinwiddie; Major William Ball and Edward Archer, of the county of Chesterfield, be, and are hereby appointed commissioners to view, mark out and open a road leading from the North Carolina line across Roanoke river at Taylor's ferry, Meherrin river at Saffold's bridge, and thence the best and most direct route to Manchester; a majority of whom shall be competent to do any act or acts by this law directed to be done on the said road. *Provided*, that no commissioner shall have any vote as to the course of the said road through the county in which he lives, or through any part thereof.

No commissioner to have a vote as to the course of the road through his county.

Report to be made to the court of each county thro' which said road is intended to pass.

Duty of such court thereupon.

2. *Be it further enacted*, That so soon as the said commissioners shall have viewed and marked out the way for the said road, they shall report to the court of each county through which the said road is intended to pass, the course and direction the said road will run through such county; and upon such report being made to the said counties respectively, such court shall, and each of them are hereby required to cause a writ or writs in the nature of a writ of *ad quod damnum* to issue, directed to the sheriffs of their counties, which it shall be the duty of the said sheriff of such county to ex-

Writs of *ad quod damnum*, to be is-

cute and return at or before the second court after such writ or writs shall have issued: in pursuance of such writ or writs, the jury summoned by the said sheriff, which shall consist of twelve freeholders, shall assess the damages of each person, through whose land the said road shall be intended to be opened, and their valuations so made shall be specially stated (with the names of the persons in whose favor they are assessed) in their inquest, which the sheriff shall return sealed to the court of such county: *Provided*, that no jury shall be compelled to assess the damages as aforesaid for a greater distance than fifteen miles on the said road. And it shall be the duty of the sheriff of each county to summon and impannel a sufficient number of jurors as near as conveniently he can, to the different parts of the said road, to make the said assessments through their respective counties.

sued, & proceedings upon such writs.

Proviso.

Duty of sheriff.

3. *Be it further enacted*, That it shall be lawful for the said commissioners to contract with any person through whose land the said road shall run, for a sum of money, in lieu of such damages as might have been assessed by such jury, and to be paid as hereinafter mentioned.

Commissioners may contract for a sum of money in lieu of damages.

4. *Be it further enacted*, That in order for the defraying of the expense incident to the opening the said road, the aforesaid commissioners shall raise by voluntary subscription so much money as they shall think amply sufficient for the said purpose; and, for the purpose of more effectually securing by subscription the money intended to meet such expenses, the said commissioners are hereby authorised to draw up and head subscriptions, so as to bind each person for the sum carried out against his name, and to be recovered as other debts of the same magnitude; and they may so distribute them in the hands of good and respectable persons as in their opinion will best promote a liberal subscription for the said purpose: *Provided always*, That such persons shall have power to pass their receipts, for the sums so subscribed, at the time of subscribing, or any time prior to the delivery of his subscription into the hands of either of the commissioners herein named for their management, who shall at all times be authorised to pass receipts in full or in part to the different subscribers; and the said commissioners shall, as to them may seem proper, have the power to appoint, from among themselves, one or more whose duty it shall be to hold as treasurer all the money so collected and subscriptions returned and made, and to pay the same to contractors and persons having other claims and presenting the order of either of the said commissioners describing their claim. And if the said treasurer should refuse to pay the money so collected, he shall be proceeded against in a summary way, on notice, before any court of record, in the same manner as sheriffs are liable to be proceeded against for money received on executions.

Money to be raised by subscription.

Regulations relative thereto.

Treasurer may be appointed.

Summary mode of recovery against him.

5. *Be it further enacted*, That each of the commissioners shall, for his services in viewing and marking out the way for the said road, be allowed the sum of three dollars for each day he is actually employed; and that the sheriff of the said counties respectively shall be entitled to the sum of five dollars for summoning and impannelling each jury, and returning their inquest, and other services in attending them; for all which services he shall be paid as aforesaid.

Compensation to the commissioners.

Fees to sheriffs.

How payable.

6. *Be it further enacted*, That as soon as such road shall be opened, it shall be the duty of the courts of the counties, through which the said road will run, to cause the same to be kept in good

Duty of courts to cause the road to be kept in good repair.

repair, and be divided into precincts; to appoint surveyors and assign hands, as directed on other public roads; and to divide the said road into districts formed of one or more precincts, as the court may think necessary; and annually appoint one or more persons in each county, who shall be called director or directors of the highway; and to allot to each director one district, whose business it shall be, to see that each surveyor within his district fulfils his duty as directed by the several laws concerning public roads, and on failure, to use all legal measures to enforce the same, to call on such surveyor or surveyors as are under his direction and the hands placed under them, two days at least every year. And if such surveyor or surveyors being called on for that purpose by the director, without legal cause or disability, fail to notify the hands ordered to work under him, or fail to attend himself at the time and place notified by the director, the same surveyor shall forfeit twenty shillings for every offence; and for every person appointed to work under such surveyor when requested by such surveyor placed over him, who shall, without legal cause, or disability, fail to attend with proper tools for clearing and repairing the road, or shall refuse to work when there, or to find some other person equally able to work in his room, the sum of seven shillings and six pence, for every day's offence, shall be paid by him if he be a free man of full age, if an infant, then by his parent, guardian or master, and if a slave or servant, then by his overseer, if he be under one, or otherwise by his master.

Directors of the highway to be appointed.

Their duty.

Penalties on surveyors and others for neglect of duty.

How appropriated.

7. *Be it further enacted*, That the fines and penalties hereby imposed, and all such that may hereafter accrue from offences on this road, arising under the several laws concerning the public roads, shall be applied, by the courts of the respective counties through which it runs, to paying each director a sum not exceeding two dollars for every day he may be actually employed, and to repairing and keeping in order the said road.

Compensation to directors.

Provision in case of refusal to act, death or removal of any commissioner.

8. *Be it further enacted*, That in case any of the said persons herein named as commissioners of the said road shall refuse to act, depart this life, or remove, the rest shall be authorised to act until the court of the county in which such vacancy shall occur shall have supplied the same, which they shall proceed to do immediately on the information of either of the acting commissioners, so that the number herein before mentioned shall be kept in each county.

Arrears of taxes prior to 1800 due from certain counties appropriated to the opening said road.

9. *Be it further enacted*, That more effectually to secure the opening of the said road, that the arrears of taxes, prior to the year one thousand eight hundred, due from the several counties through which the said road shall run, shall be, and are hereby directed to be paid by the agents appointed for their collection to the aforesaid commissioners, to be exclusively appropriated to the building of bridges, opening the road and other expenses incident to the same; and shall constitute a part of their fund for that purpose; and should such agent or agents fail to collect, or, when collected, fail to pay the arrears so collected to the said commissioners, then the executive shall take such steps against such delinquent agent as they are now required to do in case of their failure; and, when recovered, shall pay the same to the said commissioners.

Surplus (if any there be) after paying all exper-

10. *Be it further enacted*, That it shall be the duty of the said commissioners first to use the sums made by voluntary subscripti-

on, which, if found insufficient, they shall then proceed to use the sums paid them by such agents, and should it be found after a discharge of all demands and dues, a remaining surplus in the hands of the said commissioners, then it shall be the duty of their treasurer to pay the same into the treasury of the state, free from all charges and percentage whatever. ses, to be paid into the treasury.

11. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXXIV.

An Act for opening, improving and extending the Navigation of the River Rappahannock, and all its improvable branches.

[Passed February 9, 1811.]

WHEREAS the opening, clearing and extending the inland navigation of the river Rappahannock from tide water upwards, and also of all its improvable branches as high up as may be practicable, will be of great advantage and utility to that part of the country in particular, and to the public in general; and whereas many persons are willing to become adventurers in this important and beneficial work, and to subscribe for the purpose considerable sums of money; and it is just and proper that they, their heirs and assigns shall be empowered to receive reasonable tolls in satisfaction for the money advanced in carrying the work into execution, and for the risk they run; and in order to perform the laudable purpose to full effect, it may be necessary for the adventurers to form a mutual compact, and establish regulations, and the mode of raising adequate funds—Therefore, Preamble.

1. *Be it enacted by the General Assembly*, That it shall and may be lawful to open books under the management of Robert Brough and George Maury, of the borough of Norfolk; Thomas Muse and Christopher Own, of Urbanna; Samuel Muse and Benjamin Blake, of Tappahannock; John Gray and Newton Berryman, of Port Royal; and of Garrett Minor, John W. Green, William Hollingsworth and Daniel Grismon, of the town of Fredericksburg; and of Bazil Gordon, James Vass and Thomas Seddon, of the town of Falmouth; and of William Skinker, Augustine Jennings and Hancock Lee, of the county of Fauquier; and of Martin Fishback, Jeremiah Strother, Samuel Slaughter, Armistead Long, Gabriel Green and Thomas Strode, of the county of Culpeper; and Robert Hill and John Wright, of the county of Madison; and of Isaac Davis, Thomas Macon, James Williams and Charles Urquheart, of the county of Orange; for the receiving and entering subscriptions to the amount of one hundred thousand dollars. Subscriptions shall be made personally, or by power of attorney; that the said books shall be opened for receiving subscriptions on the tenth day of April next, and continue open until the tenth day of February following: That when one half of the said sum is subscribed, it shall be lawful for the said managers, or any three of them, to call a meeting of the subscribers at the town of Fredericksburg, by giving notice thereof in some public newspaper of that town at least three weeks before said meeting, which meeting shall be continued from day to day until their object be finished; and the acting managers shall then lay before such subscribers as appear, the books by them respectively kept; and if, upon examina- Books to be opened by certain commissioners. For receiving subscriptions to the amount of $ 100,000. At what time; & how long to continue open. When and where the first meeting of subscribers is to be called. Proceedings at such meeting.

tion, one half of the capital sum aforesaid shall not appear to have been subscribed, then in that case, the said managers at the said meeting are empowered to take and to receive subscriptions to make up the deficiency; and a just and true account of all the subscribers with the sums subscribed by each shall be made out and returned by the said managers, or any four or more of them under their hands into the county of Culpeper, there to be recorded; and in case more than the sum of one hundred thousand dollars be subscribed, then each subscriber's shares shall be reduced in that proportion, and in that manner which the managers may think best in order to reduce the amount to the capital sum aforesaid without fractional parts of shares; which striking off shall be certified in the list aforesaid; and the capital sum shall be reckoned and divided into one thousand shares of one hundred dollars each, of which every one subscribing may take one or more whole shares; *Provided*, that except one half of the said capital be subscribed, all subscriptions made in consequence of this act shall be void; and in case that one half and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered to take and receive the subscription which shall be first offered in whole shares until the deficiency be made up; a certificate of which additional subscriptions shall be made under the hands of the president and directors, or a majority of them for the time being, and returned and recorded as aforesaid.

If more than the capital be subscribed, subscriptions to be reduced.

If less than 1-2 of the capital be subscribed, all subscriptions to be void.

If more than 1-2, and less than the whole, deficiency how to be supplied.

2. *And be it further enacted*, That in case one half of the aforesaid capital shall be subscribed, the said subscribers, their heirs and assigns, from the time of their first meeting, thereafter shall be, and are hereby declared to be incorporated into a company and body politic by the name of the Rappahannock company, and shall so continue for fifty years after the commencement of the receipt of tolls and till dissolved by the legislature, and may sue and be sued as such; and such of the said subscribers as shall be present at said meeting, or a majority of them, are hereby impowered and required to elect a president and four directors for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribing stockholders, or a majority of them shall think fit: and in counting the votes of all general meetings of said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company; and every stockholder by writing under his or her hand, executed before two witnesses, may depute any other stockholder, as proxy to vote or act for him or her at any general meeting.

Subscribers to be incorporated by the name of the Rappahannock Company.

To continue 50 years, and till dissolved by the legislature.

President and four directors to be elected.

Mode of voting at general meetings.

Proxies, how to be deputed.

3. *And be it enacted*, That the president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority to agree with any person or persons on behalf of said company, to do and perform such business, labor or workmanship as they shall judge necessary for improving and carrying into effect the navigation of said river and all its branches; and that from place to place and from time to time, and upon such terms and in such manner as they shall think fit; and out of the money arising from the subscriptions and tolls, and other aids herein after given, to pay for the same; and to repair and keep in order the said canals, locks and other works necessa-

Powers of the president and directors, to make contracts.

ry thereto; and to defray all incidental charges; and also to appoint a treasurer, clerk and such other officers, toll gatherers, managers and servants as they shall judge requisite; and also make and establish rules of proceedings, and to transact all other business and concerns of the said company in and during intervals between the general meetings; and they shall be allowed, as a satisfaction for their trouble therein, such sum of money as shall by a general meeting of the subscribers be determined: *Provided always*, that the treasurer shall give bond, with such security and such penalty as the president and directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him.

To appoint a treasurer, clerk & other officers.

Compensation.

Treasurer to give bond and security.

4. *And be it enacted*, That the president and directors, or a majority of them, or their successors, shall have full power and authority, from time to time, as money shall be wanted, to make and sign orders for that purpose, and direct at what time and in what proportion the stockholders shall advance and pay off the sums subscribed; which direction shall be advertised at least one month in some newspaper of the town of Fredericksburg; and they are hereby authorised and impowered to demand and receive of the said stockholders from time to time, the monies ordered to be advanced for carrying on and executing, or repairing or keeping in order the said works, until the sums subscribed, if needed, shall be paid; and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and paid out as the president and directors, or a majority of them, shall order and direct; and if any of the said stockholders shall refuse or neglect to pay their share or proportion in one month after the same shall be so ordered and advertised as aforesaid, the said president and directors, or a majority of them, may proceed to sell at auction, and convey to the purchaser, the share of such proprietor so refusing or neglecting payment; giving at least one month's notice of the sale in some public newspaper of the town of Fredericksburg; and after retaining the sum due, and charges of the sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owner; and if such sale should not produce the full sum ordered and directed to be advanced as aforesaid, with incidental charges, the said president and directors, or a majority of them, may in the name of the company, recover the balance by motion in any court of record in this commonwealth; and the said purchaser or purchasers shall be subject to the same rules and regulations as if the sale and conveyance had been made by the original stockholder.

Power of president and directors to call for money from the subscribers.

Shares of delinquent stockholders to be sold.

Further remedy against such delinquents.

5. *And be it enacted*, That from time to time upon the expiration of the term for which the said president and directors are appointed, the stockholders of said company at their next general meeting shall either continue the said president and directors, or any of them, or choose others in their stead; and in case of the death, removal, resignation, improper conduct or incapacity of the president or any of the directors, may and shall in manner aforesaid, elect any other person or persons to be president and directors in the place of him so dying, removing, resigning or improperly conducting himself; and may at their general meetings remove the president or any of the directors, and appoint others in their place for and during the remainder of the term for which such person or persons were at first to have acted; and in case of the president not appearing at any meeting, the directors are authorised to choose a president pro-tempore.

Successors to the president and directors, how to be appointed.

Vacancies, how to be supplied.

Directors may choose president *pro tempore*.

All officers of the company to take oath or affirmation.

6. *And be it enacted*, That every president and director, or other officer, before he acts, shall take an oath or affirmation for the due execution of his office, and faithful discharge of the trust reposed in him.

Number of stockholders necessary to constitute a general meeting.

Annual general meeting, when & where to be held.

7. *And be it enacted*, That the presence of stockholders having one hundred shares at least, shall be necessary to constitute a general meeting, and that there be a general meeting of the stockholders on the second Monday in August in every year, at such convenient town as shall from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the stockholders who do attend may adjourn such meeting from day to day until a general meeting of stockholders shall be had, which shall be adjourned from day to day until the business of the company be finished; to which meeting the president and directors shall report; and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the stockholders then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on said company's books; and at such yearly meetings, after leaving in the hands of the treasurer such sum as a majority of said stockholders shall judge necessary for carrying on the works, for repairs and for contingent expenses, an equal dividend of all the nett profits arising from the tolls hereby given shall be made among all the stockholders of the said company, in proportion to their several shares; and upon every emergency in the intervals between the said yearly meetings, the said president and a majority of the said directors may appoint a general meeting of the stockholders of said company at any convenient town; giving at least three weeks previous notice in the public newspapers of the town of Fredericksburg; which meeting may be adjourned and continued as aforesaid.

Reports to be made to such meetings.

Dividends of nett profits to be made.

Extra meetings may be called upon emergency.

Canals & works, &c. to be vested in the stockholders, their heirs and assigns forever, as tenants in common.

To be real estate and exempt from taxes.

8. *And be it enacted*, That for and in consideration of the expense the said stockholders will necessarily be at, the canals and works with all their profits and emoluments, shall be, and the same are hereby vested in the said stockholders, their heirs and assigns forever, as tenants in common, in proportion to their respective shares; and the same shall be deemed real estate, and be forever exempt from payment of any tax, imposition or assessment whatever; and it shall and may be lawful for the said president and a majority of the directors, as soon as the navigation is fully completed from the tide water up the river as far as the confluence of the great north and south branches, from that time, and at all times thereafter, it shall be lawful for them, or their agent legally appointed, to demand and receive the toll for that section of the river, as is affixed in the annexed table of rates; and they shall, so soon as any one or more of the other sections be made navigable, be authorised, then and ever after, to demand and receive toll, agreeable to the said table of rates, for such section or sections so completely finished.

Tolls, when demandable.

TABLE OF THE RATES OF TOLL FROM TIDE WATER TO THE FOLLOWING PLACES.

Rates of tolls.

That is to say:	From the great fork down the main river to tide water.	From Germana down the south branch to the great fork.	From Alcock's mills down the south branch to Germana.	From Smith's mills down the south branch to Alcock's mills.	From Strode's mills down the north branch to the great fork.	From Beverley's mills down the north branch to Strode's mills.	From Strother's mills down middle river to Strode's mills.
	Cents	Cents	Cents	Cents	Cents	Cents	Cents
For each hogshead of tobacco,	16	12	10	8	12	10	10
For each hogshead of rum or other spirits,	20	15	12	10	15	12	12
For each barrel of rum or other spirits,	5	4	3	2½	4	3	3
For each barrel of flour or meal,	4	3	2	1½	3	2	2
For each bushel of wheat, peas, beans or flax seed,	1⅙	1¼	1	¾	1¼	¾	¾
For each bushel of indian corn or other grain,	1¼	1	¾	⅝	1	¾	¾
For each bushel of salt,	3	2	2	1½	2	2	2
For each ton of hemp,	32	24	20	16	24	16	20
For each ton of bar or cast iron,	28	21	17½	14	21	14	17½
For each ton of stone, slate or iron ore,	32	24	20	16	24	16	20
For every hundred bushels of lime,	100	75	60	50	75	50	60
For every hundred pipe staves or headings,	25	18	15	12½	18	12½	15
For every hundred hogshead staves or heading,	20	15	12	9	15	9	12
For every hundred dressed barrel staves or heading,	5	4	3	2¼	4	3	3
For every hundred undressed barrel staves or heading,	10	7½	6	5	7½	5	6
For every hundred cubic feet of plank, of scantling or other timber,	30	24	18	13½	24	18	18
For every cwt. gross on all packages or other unenumerated articles,	3	2	1½	1¼	2	1½	1¼

And in every instance smaller or greater quantities of all the above enumerated articles whether more or less, at the same proportionate rate: And every empty boat descending shall pay at each of the above mentioned places the sum of twenty-five cents,

and she shall be accounted an empty boat, except she has as much on board her as will cause the toll thereof to amount to that sum. A boat or vessel returning, whose load as it descended, has been paid for, on her return shall only pay for what she may have on board at the above rates, and if empty, shall repass upwards toll free. And in case of refusal or neglect to pay the toll at the time of offering to pass through any of the places appointed for receiving toll, previous to the boat or vessel's passing through the same, the collector of the said tolls may lawfully refuse passage to the said vessel; and if any vessel shall pass the said locks without paying the said toll, then the said collector or collectors may seize such vessel wherever found, and sell the same at auction for ready money, which so far as is necessary shall be applied towards paying the said toll and all expenses of seizure, and the balance (if any) shall be paid to the owner; and the person who had the direction of such vessel shall be liable for the said toll, if the same is not punctually paid by the sale of such vessel as aforesaid: *Provided*, that the said stockholders, or a majority of them holding at least three hundred shares, shall have full power and authority at any general meeting to lessen the said tolls, or any of them, or to determine that any article shall pass toll free.

Remedy in case any vessel shall pass without paying the toll.

Tolls may be lessened by the stockholders or a majority, holding at least 300 shares.

9. *And be it enacted*, That when the said navigation shall progress with proper improvements, either further up the aforesaid branches of the said river, or any other of the branches not now designated, that the company may by their agent apply to the county court within whose jurisdiction said further improved streams may be, and it shall be the duty of the said court to appoint five respectable and disinterested men, who, on examining the premises, shall allow for such further improved section or sections, such additional tolls as to them on due consideration shall appear just, and as near as they can estimate in proportion to the tolls before annexed; and on their making out a rate of said tolls, and returning it to the clerk of their county, to be by him recorded, it then shall be lawful for the company to demand and collect said further toll in manner and form of those in this act before granted.

In what manner additional tolls are to be obtained by the company, as improvements in the navigation progress.

10. *And be it enacted*, That the said river and all its branches that shall be made navigable, and all the works that shall be erected thereon by virtue of this act, shall, when completed, forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities or produce whatever, on payment of the toll imposed by the authority of this act.

River and its branches, when navigable, to be considered a public highway.

11. *Be it enacted*, That as it is necessary for making the said locks, canals and improvements, that provision shall be made for contingent instances, such as where the absolute necessity of making the aforesaid works, canals and improvements as well on the larger forks of the river as on the lesser improveable branches may come in collision with private property, that in every such case the president and a majority of the directors shall first endeavor to agree by private contract for the purchase thereof with the owner or owners of such land or other property, for the use thereof, or as much as is necessary for the said company to occupy or possess, and if all private negociation on the subject shall fail, that then in such case, or if the owner shall be feme covert, under age, non-compos, or out of the state, on application to two justices of the county in which such land or property shall lie, the

Measures to be taken where the canals, &c. affect private property.

Jury to be summon'd by warrant from two justices.

said justices shall issue their warrant to the sheriff of their county to summon a jury of twenty-four inhabitants of his county, of property and reputation, not related to the parties, or in any manner interested, to meet on the premises to be valued, on a day expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff upon receiving such warrant shall forthwith summon the said jury, which shall consist of twelve at the least, and before entering upon the discharge of the duties hereby required of them, shall take the following oath or affirmation, to be administered by the sheriff: I do solemnly swear or affirm (as the case may be) that I will faithfully, justly and impartially value the lands or property, and all the damages the owner thereof shall sustain by the operation of the said improvements according to the best of my skill and judgment, and that in such valuation I will not spare any person for favor or affection, or any person grieve for hatred or malice or ill will:" And on their proceeding to make the valuation, the jury is hereby directed to describe the particular kind of property, or if land, to ascertain and describe the bounds thereof, and also to particularly describe any other matter or thing whereby the said navigable improvements may in their judgment injure or detrimentally affect the owner of said land or property; and agreeably to the value of the land or property, and to the injury it will cause the owner thereof, they shall make out a plain and distinct report of the sum which in their judgment the company ought to pay the owner for such land or property, or such damages as he may sustain; and which report shall be signed by at least twelve of the jury, and by the sheriff who shall return the same to the clerk of his county, by him to be entered of record, which shall be conclusive on all parties interested; and upon the payment of the valuation money by the president and directors, or their agent, to the proprietor of the land or property, or to his legal representative, the said company shall be seized in fee of such lands, property and privileges, as fully to all intents and purposes as if legally conveyed by the owner thereof; and where it shall be necessary for the contemplated navigation that the company should affix locks to any mill dam, or to any race or canal, for the purpose of entering and navigating the same, that then if private negociation with the owner should fail, a warrant shall be issued by two justices as aforesaid, directing a sheriff to summon a jury in manner aforesaid, to whom, after meeting on the place in question, he shall administer the oath or affirmation before directed; and they shall then proceed to make out a fair and distinct report, stating the disadvantages that the said locks and water, for their purposes, and the use of the said canals, may be to the owners, and also the benefit that the said owners may probably derive from said improvements; and after deliberate consideration of these things, and also the value of the earth, stone and gravel that may be taken for building said locks, they shall affix a sum to be annually paid by the said company as a rent for liberty of affixing their locks to such dams, and for liberty to affix locks to enter such canals, and using for either purpose such quantity of water as is absolutely necessary for the purpose of navigating the river; which report shall be signed by at least twelve of the jury, and the sheriff, who shall, as before directed, return the same to the clerk of his county, by him to be entered of record; and which shall vest the company in a complete and permanent right to make their locks to enter such dams

Duty of such jury.

Where locks to be affixed to any mill dam, &c. jury to be summoned in like manner.

Duty of such jury.

and canals, and to use what water is absolutely necessary for such purposes; and such canals shall ever after be considered and used as a part of the highway for the purpose of navigation: *Provided nevertheless*, That if any further damage shall arise to any proprietor of land, mills or other property, in consequence of every of the aforesaid improvements, other than was before considered and valued, or if the company or those in their service should lavishly use the water or otherwise carelessly or wantonly impede any mill or works, to the race or dam of which they may have affixed their locks, it shall and may be lawful for such owner or proprietor, as often as such new damage may arise, by application to, and warrant from any two justices of the county where the property lies, to have such further damage valued in like manner, and to recover the same of the company. But nothing herein contained shall be taken or construed to enable the owner or proprietor of any such land or property, to recover compensation for any damages which may happen to mills or other water works which shall be begun or erected by such proprietor after such first valuation; unless the same damage is wilfully or maliciously done by the said president and directors, or some person acting by their authority.

If further damages arise, not considered or valued by such jury, person injured to have it assessed in like manner.

Certain quantities of land to be purchased for the purpose of erecting toll-houses, &c.

In case of disagreement, &c.

such land to be valued by a jury summoned in manner aforesaid.

12. *And be it enacted*, That the president and a majority of the directors are hereby authorised to agree with the proprietors for the purchase of a quantity of land not exceeding one acre at or near the point of the fork of Culpeper, and one quarter of an acre at or near to every lock which they may erect on the said river or its branches, for the purpose of erecting toll houses and dwelling houses for those employed in their service; and in case of disagreement or of any of the disabilities aforesaid, or the proprietor being out of the state, then in that case such land may be valued, condemned, paid for, and the company seized with the title in manner as aforesaid, for the above purposes. And whereas some of the places through which it may be necessary to extend the said navigation may be in rapids convenent for erecting mills or other water works, and the possessors of such situations may contemplate to improve the same, it is not the intention of this act to destroy, impair or injure the value of private property in any instance whatever, but to make every property, in which the said improvements come in collision, of increased value:— Therefore,

Provision for cases where the improved navigation may interfere with persons desirous of erecting mills or other water works.

13. *Be it enacted*, That whereseoever the said navigation has any appearance of coming into adverse contact in any point or portion of the said river or its said two large branches, whereon the owner or owners may be desirous to erect dams and open water courses for the purpose of building mills or other water works for their own emolument, in that case, the said owner or owners shall in due time before the said company's works approach such point, begin and erect his or her dam, and make such water courses for his, her or their contemplated purposes, in whatever manner or form their interest may direct them, leaving the said company at liberty as in cases aforesaid, and under the same regulations, restrictions and mode of obtaining liberty so to do, to erect a complete lock or locks for the purpose of navigating boats over or through the same; but if in case the said proprietors or owners of said improveable points refuse or neglect to erect in due time, their said dams and water courses, and it is found by said company impracticable, or extremely difficult to pass the rapids of such

place by any other method than that of erecting a strong dam at the lower part of such rapids, and to raise it so high as to eddy the current of the water there above, in that case the president and a majority of the directors shall endeavor to effect by private contract from the respective owners, one acre of land on each side of the said river or its branches, as the case may be, for abutments to join the ends of the same dam unto; and, failing all private negociation to effect the said business to mutual satisfaction, it shall in that case be lawful for the president and a majority of the directors, or their agent, to apply and receive from two justices of the county where the land may lie, who shall proceed in manner and form as prescribed in section the eleventh of this act; and if the said two acres shall lie in different counties, that is, one on each side of the river or branch, as the case may be, then in that case the same proceedings may be had in each of said counties; and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation to be set forth in their report, signed by at least twelve of them, and by the sheriff or sheriffs, who shall, as in similar cases, return the said report or reports to the clerks of their respective county courts, to be recorded; and the valuation shall be conclusive on all parties, and shall be paid by the said president and directors, to the owner or owners of the said land, or his or her legal representative; on payment thereof, the said company shall be seized in fee simple of such land as fully as if legally conveyed by the owners thereof.

Water to be used by the company for no other purpose but navigation.

Not to be wilfully or negligently wasted.

14. *Be it enacted*, That the water, and every part thereof conveyed through any canal already made, shall not be used by the said company or any one holding under them, for any other purpose but for navigation, and that without wilfully and negligently wasting, at their locks, or any where else, any quantity of water arising more than is absolutely necessary for transporting and conveying such boats of passage as may necessarily occupy the same without consent of the owners for the time being first had and obtained; and the president and directors, or a majority of them, are hereby authorised, if it can on just and reasonable terms be accomplished to answer both the purposes of navigation and water works aforesaid, to endeavor to enter into private contract with the proprietor of such situations concerning the just proportion of the expense in widening such canals, and making them capable of conveying such quantities of water as may be sufficient for the proposed navigation, and also for such water works as aforesaid; and, in case of entire disagreement,

President and directors may enter into contracts with the proprietors of situations suitable for water works, concerning the just proportion of the expense of widening the canals, &c.

In case of entire disagreement, jury to be summoned in manner aforesaid.

15. *Be it enacted*, That the president and a majority of the directors may, as authorised in the eleventh section of this act, obtain a warrant from two justices of the county wherein the premises in question may be, directing the sheriff to summon a jury, and with them, in like manner as before directed in said eleventh section, proceed to consider all the circumstances and make out a report, which shall in like manner be returned by the sheriff to the clerk of his county, to be entered of record, and which shall be conclusive between all parties and persons therein concerned.

Navigation not to be permitted in very dry sea-

16. *And be it further enacted*, That during any extraordinary dry season, it shall not be lawful for the said company, or any under their authority, without permission or licence first obtained of

sons without permission from a majority of the owners of mills on any section of the river or its branches.

a majority of the owners of mills on any section of the said river or its branches, to navigate the same, so as to impede in any degree more or less the grinding of grain; from thence will arise the necessity of the said owners of mills and other water works, over which the navigation aforesaid must pass, to keep in good repair their dams and water courses;

Proviso, in case the owners of mills, &c. fail to keep their dams in good repair.

17. *Be it therefore enacted*, That whenever any owner of a mill or other water works, on any section of the said river or its branches, shall fail or neglect to keep his dam in good repair, properly tight and secure, so that, in times of approaching scarcity of water, none of considerable value shall escape or leak through it in waste, it may be lawful for the said company, or their agent properly authorised, to apply to any justice of the peace of any county within which the said dam or water course may lie, who shall issue his warrant to three respectable house-keepers not interested or related to either party, to view the same, who, being first duly sworn in the manner aforesaid, shall in presence of the said owner or owners, if he, she or they, or their agent will attend, of which they shall have reasonable notice, and, if in their opinion the said dam or water courses are not sufficiently tight, they, or any two of them shall report in writing from under their hands the true state of the case; and if in their said report the owner or owners of said mills are found to have neglected that essential care and duty, and the said president and a majority of the directors, or their said agent, shall serve the said owner or owners so neglecting, in the name of the said company, with a copy thereof, and if they do not within five days thereafter set about, with sufficient force, to make the necessary repairs, it may be lawful for the said president, and a majority of the directors, or their said agent, to procure labourers on reasonable hire to do and perform with all convenient expedition, what repairs appear necessary, and to keep a true and just account of the amount so expended thereon, and demand payment for the same; and if the said demand be not satisfied within the space of thirty days, in that case, the president and a majority of the directors, or their agent as aforesaid, may, if the sum does not exceed twenty dollars, apply to any justice of the peace within the county where the repairs were so performed, in order to recover payment, as the law in that case made and provided directs, who shall issue his summons, hear and determine the complaint, and proceed to give judgment and issue execution; and every proceeding thereon shall be had as the law of this commonwealth for sums not exceeding twenty dollars directs; But if the amount of the said expense of repairs shall exceed that sum, then the said agent may in the name of the said company, by motion in any court of record in this commonwealth, recover the amount of said expense of repairs, together with costs and interest thereon.

Warrant may be obtained from any justice of the peace to 3 house-keepers to view the dam, and report, &c.

If the dam be reported out of repair, notice to be given the owner.

If he neglect it thereupon, the president and directors may have it repaired, at his expense.

Mode of recovery of money expended by the president and directors in such cases.

Account to be rendered of all expenses, to every general meeting.

18. *And be it enacted*, That the said president and directors, or a majority of them, shall cause a true, accurate and just account of all expenses which they may necessarily be at in the improvement of the said navigation, of which it shall be their duty to make a fair statement up to every general meeting, in order that a discovery may be made of the profits resulting therefrom: And if it shall appear that the said profits exceeds fifteen per centum per annum, then in that case, the said president and directors shall lower the different tolls enumerated in this act proportionably, so that on the whole they shall not exceed the aforesaid profit: fail-

Tolls to be reduced, if the profits exceed 15

ing to do that, they may be proceeded against in any court of record, as in case of fraud. per cent. per annum.

19. *And be it enacted*, That the said company at their general meetings shall have power to constitute and make any rules and bye-laws for the regulation of their officers, the business, proceedings and transactions, which they may conceive necessary to carry the same into effect, so that they are not repugnant to the laws of this state or the United States. Company may make bye laws & rules not repugnant to the laws of this state or of the U. States.

20. *And be it enacted*, In any case where this act may not have particularised what is absolutely necessary for carrying the said navigation into effect, such as in some instances the necessity of bringing timber, stone and other materials through and of laying them down on lands bounding on the river, in order to carry them thence into the river for the construction of locks or other necessary works; and perhaps many things of similar and incidental nature may occur, which, although of minor consideration, may be absolutely essential to the work, are not particularised in this act, in all such cases the said company are hereby authorised to proceed as fully and effectually to all intents and purposes as if such further essential and absolutely necessary matter were more particularly expressed, described, granted and confirmed; but in every such case, where the proprietor of any land or property conceives himself or herself injured, they may have recourse to the remedy aforesaid by complaint to, and a warrant from two justices of the peace of the county, directed to the sheriff, to summon a jury, in manner as described in the eleventh section of this act, and similar proceedings shall be had thereon, in order to assess the damages so complained of, and whose report shall be conclusive. General provision to supply any omissions in this act.

21. This law shall commence and be in force from the passing thereof. Commencement.

CHAP. LXXV.

An Act Incorporating a Company for improving the Navigation of Rivanna River.

[Passed January 29, 1811.]

1. BE *it enacted by the General Assembly*, That Nimrod Branham, Dabney Carr, John Watson, David Higinbotham, William Morris (of Taylor's creek) Thomas Poindexter, John Timberlake, jun. James Currin, John B. Magruder and Samuel Ferguson, gentlemen, shall be, and they are hereby appointed commissioners to receive subscriptions to the amount of eight thousand dollars, for the purpose of improving the navigation of the Rivanna river, from the town of Columbia, in the county of Fluvanna, to the town of Milton, in the county of Albemarle. The subscriptions shall be made in person or by attorney legally authorised. The said books shall be opened for receiving subscriptions, at Albemarle court-house, under the direction of Nimrod Branham and Dabney Carr; at Milton, under the direction of John Watson & David Higinbotham; at Louisa court-house, under the direction of William Morris (of Taylor's creek) and Thomas Poindexter; at Fluvanna court-house, under the direction of John Timberlake, jun. and James Currin; and at the Union mills (in Fluvanna county) under the direction of John B. Magruder and Samuel Ferguson; on the first Monday in March next, and shall continue open until the whole amount of the capital stock hereby allowed shall have been subscribed for. As soon as two thousand dollars shall have been subscribed, there shall be a general meet- Commissioners for receiving subscriptions to the amount of $8000. Books, where and when to be opened. How long to continue open.

ing of the subscribers, at the Union Mills, of which meeting notice shall be given by advertising, at the before mentioned places for receiving subscriptions, at least thirty days before such meeting, and the said meeting shall be adjourned from day to day, until the business before them shall be completed. And the acting commissioners shall, at the time and place aforesaid, lay before such of the subscribers as shall meet according to such notice the books by them respectively kept, containing the state of the said subscriptions. And it shall be the duty of the commissioners for the time being to lay the books of subscription before each successive general meeting of the subscribers until the whole of the capital stock shall have been subscribed for: The said capital sum shall be divided into eight hundred shares, of ten dollars each.

First general meeting of subscribers, when & where to be held.

Commissioners to lay the books before such meeting, and before each successive annual meeting.

Subscribers to be incorporated by the name of the Rivanna River Company.

So to continue until the last of January 1831.

President and 4 directors to be chosen.

2. *And be it further enacted*, That as soon as two thousand dollars shall be subscribed, the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be, and are hereby declared to be incorporated by the name of the Rivanna river company, and shall so continue until the first day of January, in the year 1831, and no longer; and by the name and style aforesaid, may sue and be sued, plead and be impleaded, and have and enjoy all the privileges incident to a corporation; and such of the subscribers as shall be present at the said first meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, who shall continue in office for one year, and whose duty it shall be to conduct the said undertaking, and to manage all the said company's business and concerns, as the said subscribers or a majority of them shall think fit; and in counting the votes at the said first meeting, or at any subsequent general meeting of the said company, each member shall be allowed one vote for each share, not exceeding two shares; one other vote for every two shares thereafter, not exceeding ten shares; and one other vote for every five shares beyond ten, held by him or her in the said company; and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her at any general meeting; and the said president and directors, or a majority of them, shall have power, from time to time, as the wants of the company may require, to call upon the subscribers for such advance on their respective shares, as may be necessary, giving at least sixty days notice of the sum required, and the time and place of payment; and if any of the said proprietors shall refuse or neglect to pay their said proportions, (within thirty days after the same shall become due, as advertised,) the president and directors, or a majority of them, may sell at auction, and convey to the purchaser the share or shares of such delinquent proprietor, giving ten days notice of such sale, by advertising as aforesaid; and after retaining the sum due, and charges of sale out of the money thereby made, they shall refund the overplus, if any, to the former owner; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid with the incidental charges, the president and directors, or a majority of them may, in the name of the company, recover against such delinquent the balance due, and have execution for the same, with interest and costs: *Provided*, that in all cases where the said balance may exceed twenty dollars, the mode of recovery shall be by motion, ten days previous notice thereof being given, in any county, city or

Manner of voting at general meetings.

Proxies, how appointed.

President and directors may call for money from time to time.

Shares of delinquentsubscribers may be sold.

If the proceeds of such sale be insufficient, recovery authorised, by motion or warrant.

borough court of this commonwealth; and in all cases where the said balance shall amount to the sum of twenty dollars only, or shall be under that amount, it shall be recovered by warrant before any justice of the peace, in any county, city or borough of this commonwealth: and the purchaser or purchasers shall be subject to the same rules and regulations as if the said sale and conveyance had been made by the original proprietor. And any proprietor may transfer his stock in the said company, or any part thereof, not being less than a whole share, the transfer to be made in the presence of the proprietor or his or her agent legally authorised, on the books of said company. In consideration of the expense which may be incurred by the said company in improving the navigation of the said river, and keeping the same open within the distance aforesaid, it shall and may be lawful for the said company to demand and receive, at such place as the said president and directors shall appoint, the following tolls and rates for navigating the same, that is to say; for every boat passing up or down, fully loaded, agreeably to the usages in loading in said river, one dollar and seventy-five cents; for every boat having on board three-fourths of a load, one dollar and thirty-three cents; for every boat having on board an half load, eighty-seven cents; and all boats having on board less than an half load, or empty, fifty cents each.

Mode of transfer of stock.

Rates of tolls.

3. *And be it further enacted*, That from time to time, upon the expiration of the said term, for which the said president and directors were appointed, the proprietors of the said company, at the next general meeting, shall either continue the said president and directors, or any of them, or choose others in their stead: and in case of the death, removal, resignation or incapacity of the president and directors, or of any of them, the said proprietors shall, in the manner aforesaid, elect any other person or persons to be president and directors, in the place of him or them so dying, removing or resigning.

Mode of supplying vacancies in the office of president or director.

4. *And be it further enacted*, That every president and director, before he acts as such, shall take an oath or make affirmation for the due execution of his office.

Oath or affirmation required of president and directors.

5. *And be it further enacted*, That the presence of proprietors having a majority of the whole number of shares actually subscribed for, at the least, shall be necessary to constitute a general meeting; and that there shall be a general meeting of the company, at the Union Mills, at least once in every year: and if a number sufficient to constitute a general meeting should not attend on the day appointed, it shall be lawful for the proprietors who do attend to adjourn such meeting from day to day, until a general meeting of proprietors shall be had, which shall be continued from day to day, till the business of the company shall be finished; to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings; and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books.

Number of stockholders necessary to constitute a general meeting—which must be at least once in every year.

President and directors to render account to such meeting of all their proceedings.

6. *And be it further enacted*, That no receiver of tolls shall demand or receive a greater sum than is herein allowed, under the penalty of five dollars for every boat, to the party aggrieved, to be recovered, where the whole sum shall amount to more than twenty dollars, by motion, ten days previous notice thereof being given,

Penalty for demanding more than legal tolls: To be recovered by motion or warrant.

in any county, city or borough court of this commonwealth, and where it shall amount to twenty dollars only, or shall be under that sum, by warrant before any justice of any county, city or borough of this commonwealth.

Mode of ascertaining when it shall be lawful for the company to begin to receive tolls.

7. *And be it further enacted*, That as soon as the said company shall conceive that the navigation of the said river has been completed, according to the true intent and meaning of this act, it shall give immediate notice thereof to the county courts of Albemarle, Louisa and Fluvanna, which said several courts are hereby authorised and required forthwith to appoint two fit and proper persons as commissioners, whose duty it shall be, or of a majority of them, to meet as soon thereafter as may be, having due regard to the lowness of the tide, in order the better to test the situation of the said river; and if upon their report it should appear that the clearing of the said river has been so far effected as by this act is required, it shall then, and not till then, be lawful for the said company to begin to demand and receive the tolls herein before mentioned.

Exact account to be kept of all disbursements made by the company.

8. It shall be the duty of the company to keep an exact account of all their disbursements, with proper vouchers of the same, and when by the receipt of tolls, the principal and interest of all monies expended in carrying this act into effect shall have been reimbursed to the company, it shall be the duty of the several courts before named to appoint two persons as commissioners to examine the accounts of the company; and if it shall appear to a majority of them by the report of said commissioners, having been entered of record, that the company has been fully reimbursed the principal and interest they may have expended in cleaning said river, they shall cease to demand or receive any tolls whatsoever from any boat navigating said river, and it shall be declared and considered as a public highway.

Commissioners to be appointed to examine their accounts.

When principal and interest shall have been reimbursed, the company are to cease to demand tolls.

If navigation again obstructed, company may clean out the same, and again demand tolls; & so on, upon every future like occasion during the existence of said company.

9. *And be it further enacted*, That if at any time thereafter, the navigation of the said river should become so obstructed as to require repair, it shall be the duty of the said company to clean out the same: and in every such case, it shall be lawful for the said company again to demand and receive the toll hereby allowed, but to such an amount only as will meet the expenses necessarily incurred in making the said repair; and, as soon as the said expences of the company shall have been reimbursed, the tolls shall again cease, and so on, upon every future like occasion, during the existence of the said company: *Provided*, that in every such case, the like proceedings shall be had, on the part of the company, and of the county courts of Albemarle, Louisa and Fluvanna, as are prescribed by the section of this act last preceding.

Commencement.

10. This act shall commence and be in force from the passing thereof.

CHAP. LXXVI.

An Act, to amend an Act, entitled an Act for regulating the Navigation of James River, above the Falls of the said River.

[Passed February 9, 1811.]

Preamble.

WHEREAS it has been represented to the present general assembly, that the watermen navigating James river and its branches above the falls at Richmond, are daily in the practice

of committing depredations on the property of the inhabitants of the country bordering on each side thereof; for remedy whereof,

Inspector of boats to be appointed by the executive.

1. *Be it enacted by the General Assembly*, That the governor, with the advice of council, shall appoint a fit person, who shall reside at the upper locks of the James river canal, and be denominated "Inspector of boats," whose duty it shall be to enforce the act, entitled "An act for regulating the navigation of James river above the falls of the said river," in every instance wherein the act has not been complied with according to its true intent and meaning. And it shall also be the duty of the said inspector to perform all necessary services to be performed at and near the said locks for enforcing this act. And he shall at all times be amenable to the executive for his conduct therein. Every person appointed inspector by virtue of this act shall, before he enters upon the execution of the said office, enter into bond with good security, in the penalty of two thousand dollars, payable to the governor for the time being and his successors in office, with condition for the true and faithful performance of the duties of his office; which bond shall be recorded in the court of the county of Henrico. And in the name of the governor, or his successors, any person or persons injured may and shall, at his, her or their costs and charges, commence and prosecute suits on such bond against the parties therein bound, their executors or administrators, and shall and may recover all damages, which he, she or they may have sustained by reason of the breach of the condition of the bond. And such bond shall not become void upon the first recovery, or if judgment shall be given against any plaintiff or plaintiffs who shall sue upon such bond, but may be put in suit and prosecuted from time to time, for the benefit, and at the proper costs and charges, of any party injured, until the penalty expressed in such bond shall be recovered. And every inspector shall also take an oath before the governor for the time being, or before the court of the county of Henrico, for the true and faithful performance of the duties of his office. And if any person shall presume to execute the office of inspector before he shall have given bond and taken such oath as aforesaid, he shall forfeit and pay fifty dollars.

His duty.

☞ See R. Code 1st vol. p. 54.

At all times amenable to the executive for his conduct.

To give bond & security.

How such bond may be put in suit.

Not to become void upon the 1st recovery.

Oath to be taken.

Penalty for acting without giving bond, &c.

2. No free negro or mulatto shall be allowed to carry on board of his boat any gun, rifle or other fire arms, under pain of forfeiting the same to the use of any white person, who may seize them, any law to the contrary notwithstanding; nor shall any owner of any slave permit him to carry such arms, under the like forfeiture.

Free Negroes, Mulattoes, or slaves, not to carry fire arms on board boats, under pain of forfeiture.

3. If any waterman of colour be found strolling from his boat above the banks of the river or any of its branches, while on a trip up or down, and not at his usual place of abode, or at any place while loading, it shall be lawful for any person or persons to carry him before the nearest magistrate, who may cause him to be whipped with any number of lashes not exceeding twenty: *Provided*, nothing herein contained shall be so construed as to prevent watermen from going directly to and from any spring for the purpose of getting water: And *provided always*, that when any waterman shall be ordered by any magistrate to receive any number of lashes, he may release himself therefrom, by paying to the said magistrate the sum of two dollars for the use of the poor of his county or corporation.

Waterman of colour, found strolling from his boat may be whipped;

if not going directly to and from a spring.

May be released from stripes by paying two dollars.

Penalty on watermen, being free, for stealing or burning rails or other wood already cut; cutting trees, stealing grain, live stock of any kind, or other thing.

How recoverable.

4. And if any waterman or watermen, being free, shall hereafter be detected in stealing or burning rails or other wood already cut, cutting locust or other trees, stealing grain of any kind, live stock of any kind, or other thing whatsoever, and be convicted thereof before any justice of the peace having jurisdiction of the case, shall forfeit and pay to the owner of the property so stolen, cut or burnt, treble the value thereof, to be fixed by the judgment of the justice before whom such offender may be convicted, upon such evidence as to him shall be convincing; which justice is hereby required to issue execution, against the goods and chattels of the offender, in favor of the owner of any such stolen property, for the amount of such judgment and costs of prosecution, directed to any sheriff or constable, who shall execute and return the same, and be liable to the same remedies and fines for neglect of duty as in case of other executions. And the said offender or offenders shall suffer such other pains and punishments as are by law for such offences made and provided. But when the testimony of the owner of the property so stolen, cut or burnt, shall be necessary to the conviction of the offender or offenders, the same course shall be pursued, except that the forfeiture of three times the value shall be paid to the magistrate who issued the execution or executions, for the use of the poor of his county or corporation: And when any slave or slaves shall be convicted of any or either of the aforesaid offences, the owner of, or person hiring, the said slave or slaves shall forfeit and pay to the owner of the property so stolen, cut or burnt, the full and equal value thereof, to be ascertained and recovered against such owner or person hiring as in the case of a free person, and the said slave or slaves shall receive twenty lashes on his or their bare backs for the first offence, and for the second offence, the same forfeiture shall be incurred by such master or person hiring, and double the number of lashes inflicted upon such offender; and for the third offence, as well as for every succeeding offence, three times the said forfeitures shall be paid by such master or person hiring, and the same number of lashes shall be inflicted as for the second offence. But when the testimony of the owner of the property, so stolen, cut or burnt, shall be necessary to the conviction of the said slave or slaves, the forfeitures shall be paid, as in the case of a free person, for the use of the poor.

Offenders moreover subject to such other punishments as are by law provided.

When testimony of owner of property so stolen, &c. is necessary to convict the offender, forfeiture to be for the use of the poor.

Penalties on the owner of, or person hiring a slave convicted of any such offence.

Such slave to be punished with 20 lashes for the *first* offence, double that number for the *second*, and 3 times that number for the *third* offence.

Persons loading boats to grant the head-man of the boat a manifest.

To be delivered to the inspector of boats before passing the locks.

5. *And be it further enacted*, That all persons who shall hereafter load any boat in whole or in part, shall grant to the head man of the boat a manifest of such loading, giving a particular description of the quality and quantity of each article, and whether in bags, boxes, barrels, hogsheads, &c. and shall keep a copy of the said manifest; and the said head man of the boat shall deliver to the said inspector of boats his manifest before he shall pass through the said locks; and the said inspector shall diligently and minutely examine the said boats and compare the articles found on board with the manifest, which manifest shall be filed in the said inspector's office; and if he shall find any article on board of any boat, not contained in the said manifest, the necessary provisions and furniture of the said boat excepted, he shall take from on board all such articles into his custody, and advertise the same, giving a true description thereof for the space of six weeks in some one of the public prints in Richmond, to be sold for cash: *Provided*, that perishable articles may be sold immediately for cash, and advertised afterwards; *And provided* that owners of

Inspector diligently to examine every boat and compare the articles found on board with the manifest.

To seize all articles not contained in such manifest.

To advertise such articles to be sold for cash.

Perishable articles may be sold

such articles proving their right to the same, within the space of six months after the date of the advertisement, shall have such articles, if claimed before the sale, or the money arising from the sale if claimed afterwards and before the end of the said space of six months, the said owner paying the expenses of advertising the same: All monies arising from such sales, and remaining in the hands of the said inspector after the said space of six months, shall be by him paid into the public treasury for the use of the commonwealth.

immediately and advertised afterwards.

Owners, on proving their right, may have such articles, if claimed before the sale, or the money if claimed afterwards; paying expense of advertising.

Monies not claimed to be paid into the treasury.

6. And when any free negro or mulatto shall give a manifest of any loading put on board of any boat, he or she shall obtain a certificate from some respectable white person, certifying the truth of the manifest and his or her right to the property therein mentioned; which certificate shall accompany the said manifest, and the person granting such certificate shall keep a copy thereof.

Free negro or mulatto, giving a manifest, to obtain a certificate from some respectable white person.

7. *And be it further enacted*, That it shall be the duty of every navigator of a boat on the said river and its branches, when he shall take on board any species of property for sale or transportation, which he claims as his own, to get a certificate from some respectable person in the neighborhood where he shall take the same, stating the quantity and the particular kind of property so shipped.

Every boatman, taking on board his own property, to get a similar certificate.

8. *And be it further enacted*, That in future every free waterman who shall receive on board of his boat or other vessel, any produce, goods, wares or merchandize, and shall embezzle the same or any part thereof to the value of four dollars and upwards, shall be deemed guilty of felony; and upon conviction thereof before any court having competent jurisdiction, he shall suffer a confinement in the jail and penitentiary house for a term of not less than one year, and not more than five years; and when the produce, goods, wares or merchandize so embezzled shall be of less value than four dollars, the offender shall be deemed guilty of petit larceny, and upon conviction thereof before any such court shall suffer as in other cases of petit larceny. Nothing herein shall be construed as barring any person injured by such embezzlement, from his or her right of civil action against such offender or offenders.

Free waterman, embezzling property received on board his boat, to be guilty of felony, and confined in the Penitentiary not less than one nor more than five years.

Where the property embezzled is of less value than four dollars, the offence to be petit larceny.

Person injured not to lose his right of action.

9. *And be it further enacted*, That where the said river or any of its branches shall be the line between any of the counties thereon, the officers of the peace in such counties shall have power to exercise the duties of their office, so far as relates to the detection or apprehending of watermen, on the said river, or either side thereof.

Where river, or any of its branches, is the line between counties, peace officers of such counties may exercise their duties on the river, or either side thereof.

10. *And be it further enacted*, That the said inspector shall be entitled to demand and receive, as compensation for the services he shall have to perform in enforcing this act, the sum of two cents for every boat loaded with coal only, each time it shall pass downward, and the sum of six cents for every other boat passing downwards, and no more.

Compensation to the inspector of boats.

11. This act shall be in force from and after the first day of April next.

Commencement.

CHAP. LXXVII.

An Act to Incorporate a Company for the purpose of Clearing out and rendering Navigable Meherrin River.

[Passed February 12, 1811.]

Preamble.

WHEREAS the opening and rendering navigable the river Meherrin from the lower falls, in Greensville county in this commonwealth, to the town of Murfreesborough, in the state of North Carolina, is an object of importance to the interior commerce of a large portion of this state and North Carolina, and many persons in both states are willing to subscribe large sums of money for the purpose of effecting so desirable an object, and it is just and proper that they, their heirs and assigns should be impowered to receive reasonable tolls in satisfaction for the money advanced by them in carrying the said work into execution; And whereas it is represented to the present general assembly, that the legislature of the state of North Carolina have passed an act, entitled, "An act to incorporate a company for the purpose of clearing out and rendering navigable Meherrin river," to be in force from and after the passage of a corresponding act of the legislature of this state;

No restriction, duty or impost to be laid on commodities of the state of N. Carolina, conveyed up or down Meherrin river, or any of its branches;

1. *Be it enacted by the General Assembly*, That no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the state of North Carolina, conveyed up or down the said river for sale or exportation; and that the same may be sold or exported without re-inspection; and that the waters of the said river, and all its branches, as far as the same are in this state, shall be considered as a common highway, free for the use and navigation of vessels belonging to the state of North Carolina, or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatsoever for the purpose of raising revenue: but nothing herein contained shall be so construed as to prevent the imposition of tolls for the purpose of improving the navigation of the said river.

except tolls for the purpose of improving the navigation.

Books, for receiving subscriptions, where & by whom to be opened:

2. *And be it further enacted*, That it shall and may be lawful to open books in the counties of Greensville and Southampton; under the management of John M. Walker and Lewis Dupree, in the county of Greensville; and James Gee and Richard Blount, in the county of Southampton; for receiving and entering subscriptions to the amount of ten thousand dollars, for the purpose of opening the said river from the lower falls in Greensville, in this state, to the town of Murfreesborough, in North Carolina; which subscriptions shall be made in person or by power of attorney; that the said books shall be opened for the purpose of receiving subscriptions on the first day of April next, and continued open until the first day of April, one thousand eight hundred and thirteen if necessary; but as soon as three thousand dollars are subscribed, the acting commissioners shall call a general meeting of the subscribers at the tavern of John Avery, in the county of Greensville, or at such other place as a majority of the subscribers may determine, of which, notice shall be given by the said commissioners in some paper printed in this state, at least twenty days before the said meeting; and such meeting shall and may be continued from day to day until the business is finished. The said acting commissioners shall, at the time and place aforesaid, lay before such of the subscribers, as shall meet according to the said notice, the books by them respectively kept, containing the

to the amount of 10,000 dollars.

Books when to be opened and how long to continue open.

First gen. meeting when & where to be called.

Notice to be given of such meeting.

Books to be laid before the subscribers.

state of said subscriptions; and if three thousand dollars shall on examination appear not to have been subscribed, then the said commissioners are to go on, to take and receive subscriptions to make up the deficiency, and a just and true list of all the subscribers, with the sum subscribed by each shall be made out and returned by the said commissioners, under their hands, into the superior court of law, holden in and for the county of Greensville, to be there recorded: and in case more than the sum of ten thousand dollars shall be subscribed, then the same shall be reduced by the said commissioners, or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and to continue to strike off a share from all subscriptions under the largest, and above one share until the sum is reduced to the said capital of ten thousand dollars, or until a share is taken from all subscriptions above one share; and lots shall be drawn between subscribers of equal sums to determine the number in which such subscribers shall stand on a list to be made for striking off as aforesaid: and the said capital sum shall be reckoned and divided into two hundred shares of fifty dollars each, of which persons subscribing may take or subscribe for one or more whole shares and not otherwise: *Provided*, that unless three thousand dollars shall be subscribed, all subscriptions made in consequence of this act shall be void.

List of all subscribers to be recorded in the superior court of law for Greensville county.

If more than ten thousand dollars be subscribed, subscription to be reduced.

Shares to consist of $ 50 each.

If $ 3,000 be not subscribed, all subscriptions to be void.

3. *And be it further enacted*, That in case three thousand dollars of the said capital or a greater sum shall be subscribed, the said subscribers, their heirs and assigns, from the time of their first meeting shall be, and they are hereby declared to be incorporated into a company by the name of "The Meherrin Navigation Company," and in that character may sue and be sued, implead and be impleaded, before any court of record in this commonwealth, and may elect and appoint a president, directors, treasurer and all other necessary officers, and from time to time make such bye-laws, rules and regulations for the well ordering and conducting the said navigation as they shall think proper, for the term of one hundred and ninety nine years: *Provided*, they shall not be repugnant to, or inconsistent with the laws and constitution of this state or the United States.

If $ 3,000, or more, be subscribed, the subscribers to be incorporated, by the name of the Meherrin navigation company.

President, directors, treasurer & all other necessary officers to be elected.

Company to continue for the term of 199 years.

4. *And be it further enacted*, That it shall be lawful for the said company to demand toll for every article carried down or up the whole distance of their navigation, and so in proportion to any part thereof; not exceeding the following rates, that is to say; for every pipe or hogshead of wine containing more than sixty-five gallons, fifty cents; for every hogshead of rum or other spirits, forty cents; for every hogshead of tobacco, thirty cents; for every hogshead of molasses, thirty cents; for every hogshead or butt of malt liquor, thirty cents; for every cask between sixty-five and thirty-five gallons, one half of a pipe or hogshead; every barrel one fourth part; and every smaller cask or keg in proportion to the quality and quantity of their contents; for every dozen bottled malt liquor, two cents; for every dozen bottled wine, two cents; for every bushel of peas, wheat, beans, rice or flax seed, one half cent; for every bushel of Indian corn or other grain, or salt, one half cent; for every barrel of pork, eight cents; for every thousand shingles from eighteen to twenty four inches, six cents; for every thousand three feet shingles, ten cents; for every thousand clapboards or pales, ten cents; for every cord of fire wood, four cents; for every hundred feet of plank or scantling, one and a half

Rates of tolls.

cents; for very barrel of beef, six cents; for every barrel of fish six cents; for every barrel of flour, eight cents; for every barrel of tar, pitch, turpentine or rosin, two and a half cents; for every barrel of linseed oil or spirits of turpentine, ten cents; for every ton of hemp, flax, potash or bar iron, fifty cents; for every ton of pig iron or castings, seventeen cents; for every ton of copper, lead or other ore, other than iron, forty cents; for every ton of stone or iron ore, other than the ballast of the vessel, eight cents; for every chaldron of coal, twelve and a half cents; for every hundred bushels of lime or shells, twenty-five cents; for every thousand bricks or tiles, forty cents; for every hundred of pipe staves, five cents; for every hundred of hogshead staves or pipe or hogshead heading, three cents; for every hundred of barrel staves or barrel heading, one and a half cents; for every boat or vessel exceeding one ton burthen, which has not commodities on board to yield so much, (except an empty vessel or boat returning, whose load has already paid the toll, in which case she is to pass free of toll,) fifty cents; for every canoe, boat or vessel, under one ton burthen, which has not commodities on board to yield so much, (except as before excepted,) twelve and a half cents; for every hundred feet of all other timber, two and a half cents; for every hundred weight of brown or clayed sugar, five cents; for all other produce, goods, wares or merchandize, one fourth of one per centum; for every hundred weight of machined cotton, twenty cents; for every hundred weight of seed cotton, five cents; for every thousand hoop poles, three cents.

To be demanded at such place or places as the company shall think proper.

And the said company may demand toll on all goods and commodities which may be transported through said navigation, or any part thereof, at such place or places as they shall think proper; and if any person or persons shall refuse to pay the lawful toll, the collector may deny him or them any farther passage; and if any person shall refuse to pay the said toll, and pass through the said navigation, it shall be lawful for the collector to seize vessel, cargo or any thing else wheresoever found, and sell the same at public auction, for ready money, or so much thereof as may be necessary to pay and satisfy the said toll; giving ten days previous notice of the time and place of sale; and the overplus, if any, shall be restored to the owner after paying the necessary expenses of seizure and sale.

Remedy against persons passing without paying toll.

Navigation and works of the company, when completed, to be considered as a public highway; subject only to the tolls aforesaid.

5. *And be it further enacted*, That the navigation and works of the said company done in pursuance of this act, when completed, shall forever thereafter be considered as a public highway, free for the transportation and passage of all goods, wares, commodities or produce whatsoever, paying toll as before directed.

Mode of transferring shares.

6. *And be it further enacted*, That it shall be lawful for any proprietor to transfer his share or shares, by deed executed before two witnesses, and registered after proof of execution, in the company's books, and not otherwise, except by devise, and in that case, the devise shall be exhibited to the company, before the devisee or devisees shall be entitled to draw any toll in virtue thereof: *Provided*, that no transfer shall be made for part of a share, and that no share be transferred or held in trust for the use or benefit, or in the name of another, whereby the company may be made to answer any such trust; but every such person appearing as aforesaid to be a proprietor, shall as to the rest of the company be so considered to every intent and purpose; and between any

No transfer to be made of *part* of a share.

Proviso, as to transfer of shares to be held *in trust*.

trustee and the person for whose benefit the trust was created, the common remedy may be pursued.

Power of president and directors to call for money from the stockholders.

7. *And be it further enacted*, That the president and directors and their successors shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed; which orders shall be advertised at least one month in some newspaper, printed in this state; and they are hereby authorised and empowered to demand and receive of the several proprietors from time to time the sums of money so ordered to be advanced for the carrying on and executing or repairing or keeping in order the said works, until the sums subscribed shall be fully paid; and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and laid out as the president and directors, or a majority of them, shall order and direct; and if any of the said proprietors shall refuse or neglect to pay their said proportions within one month after the same is so ordered and directed as aforesaid, the said president and directors, or a majority of them, may sell at auction, and convey to the purchaser the share or shares of such proprietor so refusing or neglecting to pay, giving at least one month's previous notice of the time and place of sale in some newspaper, printed in this state; and after obtaining the sum due and charges of sale out of the money thereby produced, they shall refund and pay the overplus, if any, to the former owner or proprietor; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid with the incidental charges, the said president and directors, or a majority of them, may in the name of the company sue for and recover the balance by motion on ten days previous notice; and the said purchaser or purchasers shall be subject to the same rules and regulations, as if the said sale and conveyance had been made by the original proprietor.

Shares of delinquent stockholders to be sold.

Farther remedy against such delinquents.

If navigation not completed in five years, all preference in favor of the company shall be forfeited.

8. *And be it further enacted*, That if the said company shall not complete the said navigation of the said river within five years after the passing of this act, all preference in favor of the said company in relation thereto shall be forfeited.

Penalties for obstructing the navigation.

9. *And be it further enacted*, That any person who shall fall trees or roll logs into or in any manner obstruct the navigation of the said river, shall be subject to a penalty of ten dollars for each and every offence, recoverable before any justice of the peace; and if either of the said offences shall be committed by a slave, he shall by order of such justice receive twenty-five lashes, well laid on, upon his bare back.

No tolls to be demanded on articles put on board at or below Princeton, in Northampton county, North Carolina.

10. *Provided nevertheless*, That nothing in this act contained shall be so construed as to exact toll on articles or any species of produce put on board of any boat or vessel at or below Princeton, in the county of Northampton, in the state of North Carolina.

Commencement.

11. This act shall be in force from the passing thereof.

CHAP. LXXVIII.

*An Act concerning the Potomac Company.**

[Passed January 11, 1811.]

Farther time of 3 years allowed to complete the na-

1. BE *it enacted by the General Assembly*, That the further time of three years, to be computed from the expiration of

* See Appx. No. II. and Acts of 1807, ch. 45.

vigation of Potomac and Shenandoah rivers.

the term heretofore granted, shall be, and the same is hereby allowed the Potomac Company to complete the navigation of the Potomac and Shenandoah rivers.

Commencement.

2. This act shall be in force from the passing thereof.

CHAP. LXXIX.

An Act authorising an Agent to Subscribe for Shares in the Ohio Canal Company.

[Passed February 11, 1811.]

The agent, for collecting certain monies due the commonwealth, authorised to subscribe for shares in the Ohio Canal Company;

and to represent the interest of the commonwealth.

Proviso.

1. BE *it enacted by the General Assembly.* That the agent appointed by law to collect certain monies due this commonwealth from Richard C. Anderson and William Craughn, of Kentucky, shall, so soon as the same is collected, be, and he is hereby authorised and required on behalf of the commonwealth, to subscribe for as many shares in the Ohio Canal Company, incorporated for the purpose of making a canal around the rapids of Ohio river, as will be equal to the said sum when collected; and he shall be authorised to represent the interest of the commonwealth in the said company, either in person or by proxy, until further provision be made by law. *Provided,* that nothing in this act contained shall be construed to authorise the said agent to subscribe for the said shares so as to pledge this commonwealth for the payment thereof out of any other fund than the monies aforesaid; or so as to authorise any demand whatever on this commonwealth on account of said shares, for any sum of money whatever beyond that which shall be recovered on account of the monies due as aforesaid.

Commencement.

2. This act shall be in force from the passage thereof.

CHAP. LXXX.

An Act appointing Commisioners to explore the Upper Navigation of James River.

[Passed February 13, 1811.]

See Rev. Code, vol. 2, Appx. No I. pa. (8.) and sess'ns acts 1811, ch. 38—*post* ch. 118.

Preamble.

WHEREAS it hath been represented, that the commissioners heretofore appointed to view and explore James river from the highest place practicable to the great falls, according to the directions of the act passed on the thirtieth day of January, one thousand eight hundred and five, entitled "An act concerning the James River Company," have not performed the duties prescribed by the said act:

Commissioners appointed to view the river.

1. *Be it therefore enacted,* That Charles Yancey, Charles Beal, Isaac Otey, Henry Flood, Thomas Moor, John Leyburn and Daniel Couch, gentlemen, be, and they are hereby appointed commissioners, who, or a majority of them, shall at such time during the next dry season, as they shall agree upon, giving the president of said company reasonable notice thereof, proceed to view the said river from the highest practicable place of navigation to the great falls, and make report thereof to the executive of this commonwealth. And if, upon the report of the said commissioners, or of a majority of them, it should appear that the said company have complied with the directions of the act, entitled "An act for clearing and improving the navigation of James river," it shall then be lawful for the said company to continue to demand and receive the full tolls allowed by the said recited act.

Notice to be given.

Report to be made to the executive.

2. *Be it further enacted*, That if it shall appear by the report of the said commissioners, that the James River Company have not complied with the terms of the last recited act, in that case the said company shall not, from and after the first day of February next, demand nor receive any of the tolls allowed by the said recited act. If the company have not complied with the terms of the act of incorporation, tolls not to be demanded from and after the first of February next.

3. *Be it further enacted*, That the said commissioners shall each be allowed the sum of five dollars per day, for every day they shall act; to be paid by the said James River Company, if it shall appear that the said company have not complied with the terms of their charter in completing the navigation of said river; otherwise, the said allowance shall be paid by the treasurer, on a warrant from the auditor of public accounts, out of any monies in the treasury. Compensation to commissioners. How to be paid

4. This act shall commence and be in force from the passing thereof. Commencement.

GENERAL ASSEMBLY, begun and held at the Capitol, in the City of Richmond, on Monday the second day of December, one thousand eight hundred and eleven.

CHAP. LXXXI.

An Act imposing Taxes for the support of Government.

[Passed February 18, 1812.]

1. BE *it enacted by the General Assembly*, That the public taxes for the year one thousand eight hundred and twelve shall be as follow, to wit: on lands for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been or shall be exempted, in consequence of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse or jack ass, twice the price such horse or ass covers a mare by the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary licence five dollars, on every hundred dollars of the rent of such ordinary, to be ascertained by the rent paid by the tenant; and where such tavern is in the occupancy of the proprietor, the yearly value shall be ascertained by the commissioners of the revenue: *Provided*, That for every ordinary licence, not less than twelve dollars and fifty cents shall be paid: for every four wheeled riding carriage, except phætons and stage waggons, one dollar and twenty-five cents per wheel; for all phætons and stage waggons, eighty-four cents per wheel; for every other riding carriage with two wheels, forty three cents per wheel; for all houses and lots in towns, one dollar and fifty-six cents on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant; and where such house or lot is in the occupancy of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by comparison of its value with that of other houses or Public taxes for the year 1812.

lots actually rented; on every licence to sell merchandize of foreign growth and manufacture, by wholesale and retail, forty dollars; on every licence to retail such goods, fifteen dollars; every licence to a hawker or pedlar, of dry goods, thirty dollars; on each appeal to the court of appeals from the superior or courts of chancery, and superior courts of law in this commonwealth, two dollars: *Provided*, that no taxes shall be collected on lands, lots, houses or other property belonging to the commonwealth, or to any county, town, college or seminary of learning, or attached to any house or houses for divine worship. *And provided also*, That nothing in this act shall be so construed as to prevent any farmer or planter, from selling salt, tea, sugar, molasses, coffee, spices, iron or steel to his neighbors, when such articles were purchased as a return load for his or her produce or other property taken to market.

Certain property exempt from taxation.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. LXXXII.

An Act Appropriating the Public Revenue.

[Passed February 7, 1812.]

General fund constituted.

1. BE *it enacted by the General Assembly*, That the taxes and arrearages of taxes not otherwise appropriated, due prior to the year one thousand eight hundred and twelve, & all other branches of public revenue which arise to the commonwealth prior to the first day of January, one thousand eight hundred and thirteen, and the surplus of all appropriations heretofore made, shall constitute a general fund, and be appropriated in the following manner:

Appropriations.

For the expenses of the general assembly, fifty six thousand dollars: for officers of civil government, seventy thousand dollars; for officers of the militia, including adjutant general, brigade inspectors, clerks, adjutants, provost martial and musicians, five thousand eight hundred dollars; for militia fine fund, carrying brigade orders, regimental orders, and repairing arms, two thousand five hundred dollars; for criminal charges, including guards in the country, twenty-one thousand six hundred dollars; for removing criminals to the penitentiary, two thousand dollars; for the internal charges of the penitentiary, including officers' salaries, eight thousand one hundred and sixty-six dollars, and sixty-seven cents; for slaves executed and transported, eight thousand five hundred dollars; for lunatic hospital, eight thousand dollars; for the public guard in the city of Richmond, sixteen thousand five hundred dollars; for the ninth instalment to the bank of Virginia, thirty thousand dollars for one year's interest on the state shares therein, two thousand four hundred dollars; for interest on the public debt, six thousand dollars; for pensioners, six thousand dollars; for commissioners of the public revenue, seventeen thousand dollars; for manufactory of arms, including foundery, boring mill and officers' salaries, six-ty-five thousand five hundred dollars; for rifles to be made under contract with the executive, five thousand dollars; for lead and materials for gun powder, including the amount appropriated for those objects last year and unexpended, three thousand four hundred and seventy-three dollars; for clerks' and sheriffs' fees, two hundred and fifty dollars; for public services of clerks of circuit courts, three thousand dollars; for gun carriages, including ex-

pense of repairing such arms as may need repairs, eight thousand dollars; for the expenses of election of President and Vice-President of the United States, one thousand two hundred dollars; for the expenses of the representation to Congress and State Senate, three hundred dollars; for wolf scalps, three hundred dollars; for two hundred and fifteen rifles contracted for by the executive, exceeding the number directed by law, three thousand two hundred and twenty-five dollars; for distributing public arms, seven thousand five hundred dollars; for the rent of a house for the Governor, six hundred and fifty dollars; for the repairs of the public warehouses and allowance to commissioners, three thousand dollars; and for the contingent expenses of government, fifteen thousand dollars.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXXXIII.

An Act appropriating a sum of Money to repair the Capitol.

[Passed February 18, 1812.]

1. BE *it enacted by the General Assembly*, That the auditor of public accounts be, and he is hereby authorised and directed to issue his warrant in favor of the commissioners hereinafter named, for the sum of eight thousand five hundred dollars for the purpose of repairing the capitol. Eight thousand five hundred dollars appropriated.

2. *And be it further enacted*, That Andrew Stevenson, John Brokenbrough, Philip N. Nicholas, Thomas Taylor, Peyton Randolph, Thomas Wilson and William C. Williams be, and they are hereby appointed commissioners, who, or a majority of whom shall have the power, and they are hereby required to let the said work to the lowest bidder, upon such terms as shall be most beneficial to the commonwealth, after giving previous notice thereof in the public gazette for at least one month. Commissioners appointed. Their power and duty.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXXXIV.

An Act appropriating a further Sum of Money for the completion of the Governor's House and for other purposes.

[Passed February 18, 1812.]

WHEREAS it appears by the report of the commissioners appointed by an act, "directing the sale of certain public property, and for other purposes," that the sum appropriated is not sufficient to complete the Governor's house; Preamble. See acts of 1810, ch. 6, p. 7.—*ante*, p. 66.

1. *Be it enacted by the General Assembly*, That the auditor of public accounts be, and he is hereby authorised and directed to issue his warrant in favor of the commissioners aforesaid for the sum of three thousand dollars, for the purpose of completing the Governor's house. Three thousand dollars appropriated to complete the Governor's house;

2. *And be it further enacted*, That the auditor of public accounts be and he is hereby authorised and directed to issue his warrant in favor of the commissioners aforesaid for the sum of five thousand dollars, for the purpose of erecting convenient and necessary out houses and enclosures to the Governor's house. And five thousand dollars for out houses and enclosures.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. LXXXV.

An Act empowering the Executive to put a Fire-proof Roof on the Armory of this Commonwealth.

[Passed February 19, 1812.]

Armory to be covered with slate.

1. BE *it enacted by the General Assembly.* That the Executive shall be, and they are hereby authorised and required to contract with any person or persons for the covering of the armory of this commonwealth with slate; and the auditor of public accounts is hereby empowered to grant a warrant or warrants on the treasury for a sum not exceeding seven thousand dollars, for the same, to be paid out of any monies therein.

Seven thousand dollars appropriated.

Commencing clause.

2. This act shall commence and be in force from the passing thereof.

CHAP. LXXXVI.

An Act authorising the Executive to purchase Ammunition; and for other purposes.

[Passed February 18, 1812.]

Eight tons of lead and two tons of gun-powder, or materials sufficient to make that quantity, to be procured.

1. BE *it enacted by the General Assembly,* That the Executive of this commonwealth be, and they are hereby authorised and required, forthwith, to procure, or cause to be procured, eight tons of lead, and two tons of gun powder, or the materials necessary to make that quantity of powder, which ever, in the opinion of the executive may be most prudent, to be deposited in the public magazine.

Executive authorised to distribute the ammunition belonging to the state.

2. *And be it further enacted,* That whenever in the opinion of the Executive the public safety shall require it, they shall be and they are hereby authorised to distribute all or any part of the powder and ball belonging to the state, to such part of the commonwealth as may be most exposed to invasion or invasions.

☞ See acts of 1805, ch 4, p. 6, 7.—Rev'd C. vol. 2, p. 110

Fines, for neglect of duty, to be imposed on companies organized for defence of the armory.

3. *And be it further enacted,* That the officers and privates comprising the company or companies which may be organized by the Executive for the defence of the armory, agreeably to the 6th section of an act entitled "an act to amend the several acts concerning the militia of this commonwealth, passed February the fourth, one thousand eight hundred and six," shall be liable to the same fines and penalties for failing or refusing to perform the duties which may be required of them in pursuance of the said act, as the officers and privates of the main body of the militia are liable to, for failing or refusing to comply with the duties imposed on them by law.

Duty of the officers to sit as members of courts of enquiry, and return delinquents.

4. *And be it further enacted,* That for the purpose of assessing the fines on such delinquent officers and privates, the officer or officers commanding such company or companies shall be and they are hereby authorised and required to sit as members of the battalion courts of enquiry held for the first battalion of the nineteenth regiment of militia, and the regimental courts of enquiry held for the said regiments; and they shall make their return of delinquents to such courts, and the like proceedings shall be had in every respect, as is required by law, with regard to the main body of the militia: *Provided nevertheless,* That nothing herein contained shall be so construed as to require of the said com-

Proviso.

pany or companies of artificers to perform any of the duties required by law as a part of the aforesaid regiment, nor to require the performance of any duties other than those now required by law.

5. *And be it further enacted*, That the fines imposed by virtue of this act shall be collected and accounted for, in the same manner as is prescribed by law in the case of fines imposed on the main body of militia of this state. Fines, how to be collected and accounted for.

6. *And be it further enacted*, That any expenses which may be incurred in complying with the requisitions of this act shall be paid out of any money in the treasury not otherwise appropriated. Expenses incurred in complying with this act, how to be paid.

7. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. LXXXVII.

An Act incorporating the "Farmers' Bank of Virginia."

[Passed February 13, 1813.]

1. BE *it enacted by the General Assembly*, That a Bank shall be established, in the city of Richmond, to be called "The Farmers' Bank of Virginia," the capital stock whereof shall be two millions of dollars, and shall be divided into twenty thousand shares of one hundred dollars each. Bank to be established. Amount of capital; and of each share.

2. There shall be retained and appropriated to the use of the state, three thousand three hundred and thirty-four of the said shares to be paid for in manner herein provided for. Number of shares retained by the state.

3. The residue of said shares shall be disposed of to subscribers, on the following terms, to wit: for each share the subscriber shall pay one hundred dollars in gold or silver coin, one fourth thereof at the time of subscribing, one other fourth within sixty days thereafter, one other fourth within sixty days after the Bank shall have gone into operation, and the remaining fourth within sixty days thereafter. Each share disposed of to subscribers shall also be charged with an equal proportion of the value of the shares retained by the state; that is, with an equal proportion of three hundred and thirty-three thousand four hundred dollars, to be paid into the Bank in sixteen semi-annual instalments after the commencement of its operations. And it shall be the duty of the directors of the Bank to retain such instalments out of the half yearly dividends which shall be declared on the shares subscribed for as aforesaid. And if such dividend shall be insufficient to pay any semi-annual instalment, it shall be the duty of the president of the Bank at Richmond to give notice thereof, by causing the same to be published, for one month, in one or more newspapers printed in each of the towns in which an office of discount and deposit is established by this act, and in the city of Richmond. And if any stockholder shall not, within one month after such deficiency shall have been so declared and published, pay into the Bank at Richmond, or one of the said offices of discount and deposit, the full amount thereof in gold or silver coin, the share or shares of such stockholder, on which the said deficiency shall be unpaid, shall be forfeited to the Bank. On what terms shares are to be disposed of to subscribers.

4. If any subscriber or subscribers, his, her or their assignee, or assignees, or other representative, shall at any time, be delinquent, for the space of ten days, in the payment of any instal- Penalty on delinquent subscribers.

ment or instalments, being part of the hundred dollars required as above to be paid in gold or silver upon any share or shares, such share or shares, together with any dividend or dividends which may be then due thereon, shall be forfeited to the Bank.

Books of subscription, when and where to be opened; and under whose superintendance.

5. Books of subscription, for disposing of sixteen thousand six hundred and sixty-six shares of the stock aforesaid, shall be opened on the first Monday in April next, in the following manner, to wit:—In Richmond, for four thousand one hundred and sixty-six shares, under the superintendance of Andrew Stevenson, Nathaniel Selden, Joseph Selden, Charles Whitlock, Benjamin Hatcher, John B. Ogg, John G. Gamble, John L. Harris, James Scott, jr. Robert Pollard, Philip N. Nicholas, John Ambler, Thomas Rutherfoord, William Marshall, and Colin McRae;——In Norfolk, for four thousand one hundred and sixty-six shares, under the superintendance of Richard H. Lee, Larkin Smith, Littleton Waller Tazewell, Richard Blow, John E. Holt, Theodorick Armistead, Robert B. Taylor, Martin Fisk, Robert E. Steed, William P. Foster, Andrew J. McConico, Samuel B. Archer, George Newton and George W. Maupin;——In Lynchburg, for one thousand six hundred and sixty-six shares, under the superintendance of Anselm Lynch, George Reveley, Isaac Otey, William Hopkins, Thomas Moore, William Mitchell, Thomas Higginbotham, William Davis, William Norvell, Samuel Anthony, William Warwick, Charles Johnston, John Dabney, James Graham, Edward Watts and Christopher Clarke;——In Winchester, for one thousand six hundred and sixty-six shares, under the superintendance of Gerard Williams, Edward Smith, Charles Magill, Beattie Carson, Edward McGuire, Daniel Lee, Daniel Gold, Isaac Baker, Joseph Gamble, Abraham Miller, Peter Lauck, Henry St. George Tucker, Alfred H. Powell, Lewis Wolfe, and Lemuel Bent;——In Petersburg, for two thousand and eighty-three shares, under the superintendance of Robert Pegram, John Pegram, Samuel Hinton, William Wills, John V. Wilcox, John Hinton, Joseph Bragg, David Walker, Joseph G. Wilder, Drury Burge, Benjamin H. Hicks, John F. May, John Allison and Robert Bolling;——In Fredericksburg, for one thousand six hundred and sixty-six shares, under the superintendance of Robert Stanard, John Minor, Robert Patton, John Mundell, Thomas Goodwin, Robert S. Chew, Garrett Minor, Carter L. Stevenson, John W. Green, John Scott, Robert Mackey, Hugh Mercer, Dabney Herndon and Alexander Walker;——and in Staunton, for one thousand two hundred and fifty-three shares, under the superintendance of Andrew Anderson, Andrew Fulton, Chapman Johnson, Archibald Stuart, John Brown, Robert Porterfield, Alexander St. Clair, John Wayt, Samuel Clarke, John McDowell, John C. Sowers and Jacob Swoope.

Commissioners authorised to receive monies due on shares.

6. The persons appointed commissioners are hereby authorised to receive all monies which may become due, previous to the time when the Bank shall be organized by the election of directors, on the shares which shall have been subscribed for in the books respectively committed to their charge. A majority of them respectively shall be sufficient to perform the duties of their appointment; and they shall keep the subscription open, at least for the term of ten days; and, if not completed at the expiration of that period, the same shall be kept open until the number of shares, at the places before mentioned respectively, shall be subscribed for, and no longer; but if the subscription shall be filled at any time before the expiration of the aforesaid term of ten days, then and

Subscription, how long to be kept open.

Restriction on subscribers, in

immediately after the same shall be so filled, no person or copartnership, or body politic, shall, during the remainder of the term aforesaid, be permitted to subscribe for more than two shares.

In case the subscription be filled in less than ten days.

7. *And be it further enacted*, That all the subscriptions, and the shares obtained in consequence thereof, shall be deemed, and held to be for the sole and exclusive use and benefit of the persons, copartnerships or bodies politic respectively subscribing, or in whose behalf the subscriptions respectively shall be declared to be made, at the time of making the same: and all bargains, contracts, promises and engagements, in any wise contravening this provision, shall be void: and the persons, co-partnerships or bodies politic, respectively, so subscribing, or for whose use the subscriptions shall be declared to be made as aforesaid, shall have, enjoy and receive the share or shares respectively obtained in consequence thereof, and all the interest and emoluments thence arising, as freely, fully and absolutely, as if they had, respectively, paid the consideration therefor; any such bargains, contracts, promises or engagements to the contrary notwithstanding.

Subscriptions to be for the exclusive benefit of the persons in whose behalf the same are declared to be made.

All bargains contrary to this provision to be void.

8. During the first ten days appointed for receiving subscriptions as above, no subscription whatever shall be received in the name, or for the use of any inhabitant, or inhabitants, of any one of the towns of Richmond, Norfolk, Lynchburg, Petersburg, Fredericksburg, Winchester or Staunton, unless it be made in the books of the town within which the person or persons for whose benefit the subscription shall be made, shall at that time reside.

Inhabitants of certain towns restrained from subscribing elsewhere, during the first ten days.

9. *And be it further enacted*, That the subscribers to the said bank, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, in law and in fact, by the name and style of the President, Directors and Company of the Farmers' Bank of Virginia, and shall so continue until the first day of June, one thousand eight hundred and twenty-seven, and no longer; and by the name and style aforesaid, they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to an amount, not exceeding in the whole four millions six hundred and sixty-six thousand six hundred and sixty-six dollars and two thirds of a dollar, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien or dispose of; to sue and be sued, implead and be impleaded; answer and be answered; defend and be defended in courts of record or any other place whatsoever; and also to make, have and use a common seal; and the same to break, alter or renew at their pleasure; and also to ordain, establish and put in execution such bye-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation; not being contrary to the constitution or laws of this state or of the United States; and for the making whereof, general meetings of the stockholders may be called by the directors in the manner herein after specified; and generally to do and execute all acts, matters and things, which a corporation, or a body politic in law may or can lawfully do and execute; subject to the rules, regulations, restrictions, limitations, and provisions herein after prescribed and declared.

Subscribers incorporated.

Name and style. How long to continue.

May own property, to what amount;

Invested with all the powers of a corporation or body politic in law;

Subject to certain regulations.

10. *And be it further enacted*, That it shall be lawful for any person, copartnership or body politic, in person or by attorney, to subscribe for a share, or any number of shares, not exceeding thir-

Any number of shares, not exceeding thirty, may be taken by

any one person in any one day; except in the case before provided for.

ty, in any one day; except in the case before provided for; but in case the amount of the subscriptions at any of the places before mentioned shall exceed the number of shares there allowed to be subscribed for, the excess thus created shall be reduced within the number of shares authorised to be subscribed for at such places respectively, in manner following; that is to say: from the subscription and subscriptions highest in amount, the proper commissioners shall subtract a share, or shares, until the same shall be made equal to the subscription or subscriptions next highest in amount; and, as often as the case shall require, they shall so proceed to subtract a share or shares from the subscription or subscriptions remaining from time to time highest in amount, until the aggregate of all the subscriptions be reduced to the number of shares authorised to be subscribed for at the places before mentioned respectively: and if, by and after the operation of such subtraction, (as often as the same shall be necessarily made and repeated as aforesaid,) a greater number of shares may be allowed to one or more of the subscribers than to the rest, or if the number of shares shall eventually be greater than the number of shares authorised at the places before mentioned respectively, so that at least, one share cannot be allowed to each and every subscriber; then, and in each of the before mentioned cases, the commissioners shall ascertain, by lot, in whom the greater number of shares, or the right of subscribing for and retaining one share (as the case may be) shall be vested: and the person and persons in whose favor the lot may thereupon fall shall be deemed, to all intents and purposes, the lawful subscriber and subscribers for such share or shares respectively.

In what manner a surplus of shares subscribed for at any place is to be reduced.

Fifteen directors to be chosen for the bank at Richmond; and thirteen for a branch bank at each of the towns of Lynchburg, &c. Directors to be all citizens of Virginia.

11. *And be it further enacted*, That for the well ordering the affairs of the said corporation there shall be fifteen directors for the bank at Richmond; thirteen directors for a branch bank at Norfolk; and a like number for a branch bank at each of the following towns, to wit: Lynchburg, Winchester, Petersburg and Fredericksburg. These directors shall be all citizens of Virginia, and shall be elected annually, in the following manner, to wit: nine directors of the mother bank and eight directors of each of the aforesaid branch banks shall be elected by joint ballot of both Houses of the Legislature, or by such committee of their own body, or such officer, or officers of government, or such commissioner or commissioners as the Legislature may from time to time appoint. The residue of the said directors shall be elected by the stockholders at a general meeting to be held for that purpose in the city of Richmond on the Wednesday after the first Monday in every year.

When and how to be elected.

Proviso as to the first election.

Farther proviso, in case any election should not take place at the time appointed;

and in case of the death, resignation, or absence from the state, of a director.

12. *Provided*, That the first election of directors shall not be included in the before mentioned general regulation, but shall be held at the time and in the manner herein after directed: And provided, that in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day within ten days thereafter, to hold, and make an election of directors in such manner as shall have been regulated by the laws and ordinances of said corporation: and that in case of the death, resignation or absence from the state, of a director, his place shall be filled up by a new choice for the remainder of the year, by a majority of directors at the place where

such vacancy shall happen: provided that every person voting for directors at any election shall previous to giving his vote, make oath, or solemnly affirm, that the share or shares, in right whereof he offers to vote, is or are really and bona fide his own property and not held in trust, or for the use, benefit or emolument of any other person or persons, nor in pursuance of any contrivance or design to obtain for himself, or for any other person or persons, a greater number of votes than he, or they are fairly entitled to, according to his or their true interest in the bank, in conformity with the proportions of voting on shares as established by this act: And where any person offers to vote as a proxy, an affidavit to the same effect of the person whom he represents shall be sufficient. To take any such oath or affirmation falsely shall be deemed perjury. The directors at the several places aforesaid, at their first meeting after each election, shall choose one of their own body as president.

Oath or affirmation to be taken by every person voting for directors.

13. *And be it further enacted*, That on the first day of May next, and every thirty days thereafter, if the subscription shall not be sooner closed, the commissioners appointed at Norfolk, Lynchburg, Winchester, Petersburg, Fredericksburg and Staunton, shall respectively transmit and deliver to the commissioners appointed in and for the city of Richmond, a list of the several subscribers at such places respectively, and of the share or shares to each and every subscriber belonging, together with the full amount of subscription money by the commissioners respectively received as aforesaid; for which amount, the receipt in writing of the said commissioners appointed in and for the said city of Richmond, or a majority of them, shall be a sufficient acquittance and discharge of the persons, respectively, paying the same; and as soon as the whole number of shares herein before directed to be disposed of, shall be subscribed for, notice thereof shall be given by the commissioners appointed in and for the city of Richmond, or a majority of them, in at least two public Gazettes printed in the said city of Richmond; and the same persons shall at the same time notify a place within the said city, and a time at the distance of twenty days from the time of such notification for proceeding to the choice of directors; and it shall be lawful for such election to be then and there made, and the persons who shall be then and there chosen, shall be the first directors, and shall be capable of serving until their successors shall be duly elected: and the directors so chosen for the Bank at Richmond shall forthwith thereafter put the same, together with its several offices of discount and deposit into operation, and for that purpose shall have power to provide houses for the carrying on the business of the bank, together with all necessary paper, stationary, vaults and utensils suitable to the same, so that the operations of the bank may be prosecuted without loss of time.

Lists of names of subscribers and money received to be transmitted to Richmond on the 1st of May 1812.

When the full amount of the capital shall be subscribed for, notice to be given by the commissioners for Richmond.

First election of directors to take place at the distance of twenty days from the time of such notification.

The first directors are forthwith to put the bank, together with its several branches in operation.

14. *And be it further enacted*, That the directors at the several places for the time being shall have power to appoint such officers, clerks and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively as shall be reasonable; and shall be capable of exercising all such powers and authorities for the well governing the affairs of the said corporation as shall be prescribed by the bye-laws, ordinances and regulations of the same.

Officers, Clerks & servants, how to be appointed.

Directors to exercise such powers as shall be prescribed by the bye-laws of the corporation.

5. *And be it further enacted*, That the following rules, restric

Fundamental ar-

ticles of the constitution of the bank.

tions, limitations and provisions, shall form, and be fundamental articles of the constitution of the said corporation.

1st As to number of votes to which each stock holder shall be entitled.

First—The number of votes, to which each stockholder shall be entitled, shall be, according to the number of shares he shall hold, in the following proportions, that is to say: for one share and not more than two shares, one vote for each share; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote: But no person, copartnership or body politic, shall be entitled in his or their own right, or as proxy, to a greater number than thirty votes; and after the first election no share or shares shall confer a right of suffrage, which shall not have been holden two calendar months previous to the day of election.

Votes may be given by proxy. Proviso.

All stockholders may vote in elections, or on any other questions touching the bank, by proxy: provided the proxy be derived directly from such stockholder, and voted on by a person being a citizen of the state of Virginia.

2d As to the re-eligibility of the directors,

Second—Not more than six of the directors elected for Richmond by the stockholders, and seven of the directors elected by the state for Richmond, and, in like manner, not more than three of the directors elected by the stockholders, nor more than six of the directors elected by the state for either of the branches, and actually in office, exclusive of the president, shall be eligible for the next succeeding year; but the director who shall be president at the time of an election, may always be re-elected.

and President.

3d. None but citizens to be directors.

Third—None but a stockholder, being a citizen of the state of Virginia, shall be eligible as a director.

Directors of other banks, and certain public officers excluded from the direction of this bank.

No director of any other bank, nor shall the Governor, any Member of the Executive Council, Auditor, Register, Attorney General, Judges of the Superior Courts, or any person holding and exercising any office of trust or profit under the United States, be a director of this bank.

4 No director entitled to any emolument but such as shall have been allowed by a general meeting. Compensation to the president.

Fourth—No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting.

The stockholders shall make such compensation to the president for his extraordinary services at the bank, as shall appear to them reasonable.

5 What number of directors shall constitute a board.

Fifth—Not less than nine directors shall constitute a board for the transaction of business; of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director whom he by writing shall nominate for that purpose. And, in the event of the death of the president, or his failure to make such nomination, the directors for the time being shall have power to appoint a president pro tempore.

In what event a president pro tempore is to be appointed.

6. By whom, and in what manner general meetings may be called.

Sixth—A number of stockholders, not less than twenty, who together shall be proprietors of sixty shares or upwards, shall have power at any time to call a general meeting of the stockholders for the purposes relative to the institution: giving at least six weeks notice in the newspapers of the place where the bank is kept, and specifying in such notice the object or objects of such meeting.

Seventh—Every cashier or treasurer, before he enters on the duties of his office, shall be required to give bond with two or more securities, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behavior.

7. Bond to be given by the cashier or treasurer.

Eighth—The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

8. What real property may be held by the corporation.

Ninth—The total amount of notes emitted, or thrown into circulation by the said corporation, together with their debts of every description, shall not at any time exceed the sum of six millions of dollars, over and above the monies then actually deposited in the bank for safe keeping; unless the contracting of any greater debt shall have been previously authorised by a law of the state.

9. Limitation of the amount of notes to be emitted.

In case of excess, the directors under whose administration it shall happen shall be liable for the same in their natural, private capacities, and an action of debt may in such case be brought against them or any of them, or their heirs, executors or administrators, in any court of record, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for, and chargeable with the said excess.

Responsibility of the directors in case of excess.

The corporation and its property also responsible.

Such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution, or act whereby the same was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice in writing of the fact, and of their absence or dissent, to the executive department of this government, to be recorded in the office of that department, and to be communicated by the governor to the legislature, at their next meeting, and by forthwith giving such notice to the stockholders at a general meeting, which they shall have power to call for that purpose.

In what manner directors, who were absent, or dissented, may exempt themselves from such responsibility.

Tenth—The said corporation shall not be at liberty to purchase any public stock whatever, except their own bank stock: provided the number of shares they purchase in shall be sold out at par or above it, as the case may be, whenever opportunity offers to do so with convenience.

10. The bank not permitted to purchase any public stock, except its own.

And provided, the number of shares so purchased shall not exceed, at any time, fifteen hundred shares; nor shall this corporation, directly or indirectly, deal in, or trade in any thing except bills of exchange, gold, or silver bullion, or in the sale of goods, really and truly pledged for money lent, and not redeemed in due time, or in goods which shall be the produce of its lands; neither shall the said corporation take more than at the rate of half per centum for thirty days, for, or on account of its loans or discounts.

Limitation on its power to purchase its own stock.

In what articles it may trade.

Not to take more than half per centum for 30 days on its loans or discounts.

Eleventh—No loan shall be made by the said corporation to any

11. Not to lend

money to any government or state unless previously authorised by law.

government or state, to any amount whatsoever, unless previously authorised by a law of this state.

12. Stock, how assignable.

Twelfth—The stock of the said corporation shall be assignable and transferable according to such rules and regulations as shall be prescribed by the laws and ordinances of the same.

13. Bills obligatory and of credit, under the seal of the corporation, how assignable.

Thirteenth—The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee, or assignees, so as absolutely to transfer and vest the property in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their name or names. And bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her or their private or natural capacity or capacities; and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in the like manner and with the like effect as foreign bills of exchange now are: and those which are payable to the bearer shall be negotiable and assignable by delivery only: and all notes or bills negotiable at the said bank, or any of its offices of discount and deposit, shall be, and they are hereby placed on the same footing as foreign bills of exchange: so that the like remedy may be had for the recovery thereof, against the drawer or drawers, endorser or endorsers, and with the like effect, except so far as relates to damages; any law, custom or usage, to the contrary notwithstanding.

Notes payable to any person or his *order*, or to the *bearer*, how assignable & transferable.

All notes or bills negotiable at the bank put on the footing of foreign bills of exchange;

except so far as relates to damages.

14. Half yearly dividends to be made of profits.

Annual account to be rendered, by the directors, to the stockholders;

Fourteenth—Half yearly dividends shall be made of so much of the profits of the bank, as shall appear to the directors adviseable; and once in every year, at a meeting to be held for the choice of directors, those of the preceding year shall lay before the stockholders, for their information, an exact and particular statement of the general accounts and state of the corporation; of the debts which shall have remained unpaid, after the expiration of the term of credit, for a period treble the term of that credit; and of the surplus of profit, if any, after deducting losses and dividends.

15. And to the Legislature.

Fifteenth—The legislature shall be furnished annually, if they require it, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash on hand: and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statement: *Provided*, that this shall not be construed to imply a right of inspecting the account of any private individual, or individuals, or any body politic or corporate with the bank.

Proviso.

16. Minutes to be kept of the proceedings of the directors.

Sixteen—The directors shall keep fair and regular entries in a book to be provided for that purpose, of their proceedings; and on any question where two directors shall require it, the ayes and

noes of the directors voting, shall be duly entered on their minutes and those minutes be at all times, on demand, produced to the stockholders, when at a general meeting, or to the legislature, or any committee thereof, who shall be authorised thereby to require the same.

Ayes and noes, when to be inserted.

Minutes to be laid before the stockholders, or the Legislature on demand.

Seventeenth—No president or cashier of the bank shall, be directly, or indirectly, concerned in the purchase or sale of any of the public stock or funds, under the penalty of ten thousand dollars, to be forfeited one half thereof to the use of the state, and the other to the use of the informer; nor shall the cashier be allowed to carry on any other business than that of the bank, under the penalty of five thousand dollars.

17. Penalty on the President or Cashier for trading in any public stock, and on the cashier for carrying on any other business than that of the bank.

Eighteenth—A fair and correct list of the stockholders shall be hung up at least one month before any election of directors, in the Common Hall of the said Bank; to the end, that public information may be given to the parties of their co-proprietors and stockholders. The directors of the bank at Richmond aforesaid shall establish offices at Lynchburg, Winchester, Norfolk, Petersburg and Fredericksburg, for the purpose of discount and deposit only, upon the same terms and in the same manner as shall be practised at the bank. And the management of the said offices shall be committed to the directors thereof respectively under such agreements and subject to such regulations as shall be deemed proper, not being contrary to law, or to the constitution of the bank.

18. List of stockholders, to be hung up in the Common Hall of the bank.

16. *And be it further enacted*, That the capital stock of the bank shall be distributed among the several places aforesaid, in the following proportions, to wit; to Richmond, one fourth thereof; to Norfolk, one fourth part thereof; and to each of the towns of Lynchburg, Winchester, Petersburg and Fredericksburg, one eighth thereof. And the directors of the bank at Richmond shall not have power to alter the above proportions.

Proportions of the capital to be distributed among the several offices of discount & deposit.

17. *And be it further enacted*, That if the said corporation shall deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, contrary to the provisions of this act, all and every person or persons, being a member or members of the said corporation, who shall have given any order, or direction for so dealing or trading, and all and every person or persons, being a member or members as aforesaid, who shall have been concerned as parties therein, shall forfeit and lose treble the value of the goods, wares, merchandize and commodities, in which such dealing and trading shall have been: one half thereof to the use of the informer, and the other half thereof to the use of the state, to be recovered with costs of suit.

Penalty on the corporation for unlawful trading.

How appropriated.

18. *And be it further enacted*, That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, in gold or silver coin, shall be receivable in all payments to the commonwealth of Virginia.

Notes of the bank receivable in all payments to the commonwealth.

19. *And be it further enacted*, That the said president and directors shall not, in any case, issue any notes for a smaller sum than five dollars.

No notes to be issued for a smaller sum than five dollars; nor to be negotiable at the bank, unless so expressed.

20. *And be it further enacted*, That no note shall be negotiable at the bank, unless it be so expressed on the face of the said note.

21. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. LXXXVIII.

An Act concerning the Farmers' Bank of Virginia.

[Passed February 19, 1812.]

Governor and Council appointed commissioners to appoint directors, on the part of the Legislature.

1. BE *it enacted by the General Assembly*, That whensoever it shall be necessary to enter into the appointment of directors for the Farmers' Bank of Virginia, the chief magistrate of this commonwealth, together with any four, or a greater number, of the Executive Council, who are hereby appointed commissioners on the part of the legislature of Virginia for that purpose, shall and may appoint nine fit and proper persons as directors for the mother bank at Richmond, and eight other directors of each of the branches thereof at Norfolk, Lynchburg, Winchester, Petersburg and Fredericksburg.

Commencing clause.

2. This act shall commence and be in force from and after the first day of April next.

CHAP. LXXXIX.

An Act authorising the Bank of Virginia, and the Farmers' Bank of Virginia to make Loans to the Government of the United States.

[Passed February 20, 1812.]

Loans to the government authorised on such terms as may be mutally agreed upon; consistently with the charters of the respective banks.

1. BE *it enacted by the General Assembly*, That it shall be lawful for the president, directors and company of the bank of Virginia, and the president, directors and company of the Farmers' Bank of Virginia, when the same shall be organized or put into operation, to make such loan or loans to the government of the United States, as they may respectively agree upon with that government; and that, in making such loans, the said president, directors and company of each of those banks shall have all the discretion as to the terms on which they may be made, as the assembly can confer on them, or either of them, consistently with the charter, of those banks respectively.

Commencement and continuance in force.

2. This act shall commence and be in force from the passing thereof, and remain in force for two years and no longer.

CHAP. XC.

An Act concerning the Literary Fund.

[Passed February 20, 1812.]

Clerks to return to the Auditor, and deliver to the agents lists of fines, &c. appropriated to the literary fund.

1. BE *it enacted by the General Assembly*, That it shall be the duty of the clerks of the superior and inferior courts of this commonwealth to return to the auditor of public accounts, and deliver to the agents of the literary fund in their several counties and corporations, on or before the first day of July next, accurate lists of all fines, penalties and amercements imposed by their respective courts, or assessed therein, since the second day of February in the year one thousand eight hundred and ten, and now by law appropriated to the literary fund; and also semi-annually thereafter, that is to say, on the first days of January and July in each year, it shall be the duty of the said clerks to return to the auditor, and deliver to such agents, accurate lists of all such fines, penalties and amercements, imposed by their respective courts, or assessed therein during each antecedent period of six months.

2. Every clerk failing to perform the duty hereby imposed, shall, for each failure, forfeit and pay the sum of ten dollars to and for the benefit of the literary fund, recoverable by motion in the superior or inferior court of law for the county in which such clerk may reside, in the name of the president and directors of the said literary fund: *Provided*, that each delinquent clerk shall have ten days previous notice of such motion.

Penalty for failure, and how recoverable.

3. *And be it further enacted*, That wherever any fine is imposed by the judgment of a magistrate out of court, which fine does not by law enure wholly to the benefit of the party suffering or informing, the magistrate imposing such fine shall return, within thirty days thereafter, to the clerk of his county court a statement of such fine; describing its amount in dollars and cents; the person or persons, with the name of his or their usual place of abode, on whom such fine was imposed; the offence for which it was imposed; together with the name of the constable or officer empowered to collect it; which statement, when received by the clerk, shall be transcribed into the semi-annual lists which he is, by the first section of this law, compelled to return to the auditor of public accounts. The magistrate failing to perform this duty shall be liable to a fine of twenty dollars for every neglect thereof: the clerk, for omitting to include within his semi-annual list every such statement, to the same penalty as above, both to be recovered in like manner, and to be applied, when recovered, to the use of the literary fund.

Magistrates to return to clerks statements of fines imposed out of court;

to be included in the semi-annual lists to be returned by the clerks.

Penalty on magistrates and clerks for failure, how recoverable & appropriated.

4. *And be it further enacted*, That all monies now due, or which may hereafter become due to the literary fund, on account of collections made by any public officer, shall be recoverable in the general court, upon motion in a summary way, by the auditor of public accounts; with interest at the rate of fifteen per centum per annum, from the time when the same ought to have been paid into the public treasury: *Provided*, that every officer so delinquent shall have thirty days previous notice of such motion.

Monies due to the literary fund, from public officers, to be recovered in the general court in a summary way, with 15 per centum interest.

5. *And be it further enacted*, That the auditor of public accounts be authorised and required, at all times hereafter, to issue warrants on the treasury, to satisfy orders drawn by the authority of the president and directors of the literary fund, for payment of money not exceeding the sum appropriated by law to the said fund, at the date of such orders.

Money to be drawn from the treasury by the president and directors.

6. *And be it further enacted*, That the said president and directors shall be, and they are hereby empowered to vest in the stock of any bank or banks in this commonwealth, any part or the whole of the literary fund, and at all times to change or alter or dispose of any real or personal estate belonging to the said fund in such manner as may, in their opinion, be best calculated to improve the value thereof.

To be vested in bank stock.

Farther powers given to the president and directors; to dispose of property belonging to the fund, & to sell the privilege (annually for seven years,) of raising, by lottery, a sum not exceeding 30,000 dollars.

7. *And be it further enacted*, That the said president and directors shall be, and are hereby authorised and empowered, annually for seven years to come, to sell to any person or persons, the privilege of raising by a lottery or lotteries, a sum of money not exceeding thirty thousand dollars; and to apply the proceeds of such sale to the benefit of the literary fund.

8. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. CXI.

An Act to amend an Act concerning Pilots.

[Passed January 21, 1812.]

Masters of certain vessels compelled to take the first pilot who offers below the Horse-Shoe.

1. BE *it enacted by the General Assembly*, That every master of a vessel sailing under a coasting licence and drawing nine feet water, shall be compelled to take the first pilot who offers below the Horse-Shoe to conduct his vessel; and in case of refusal on the part of the said master to take such pilot, he shall be compelled to pay half pilotage to the first port to which such vessel is bound.

Rates of pilotage; and mode of recovery. ☞ See R. Code, 1st vol. p. 419.

2. The rates of pilotage made payable by this act shall be the same as those established by the fifteenth section of the act, entitled, "an act to reduce into one the several acts regulating pilots and for ascertaining their fees." The same mode of recovery of pilotage, which may become due by virtue of this act, shall be had as in other cases.

Repealing clause.

3. All acts and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. CXII.

An Act to amend an Act, entitled, "an Act to amend an Act concerning Pilots, passed January 21st, 1812."

[Passed February 14, 1812.]

Masters of certain vessels compelled to take pilots to conduct them to sea. ☞ See R. Code, 1st vol. p. 419.

1. BE *it enacted by the General Assembly*, That every master of a coasting vessel drawing nine feet water shall be compelled to take a branch pilot, if one offers, to conduct his vessel to sea from the port of lading; paying to such pilot the same fees as are made payable by the fifteenth section of an act entitled, "an act to amend and reduce into one the several acts concerning pilots, and for ascertaining their fees:" *Provided*, that upon the refusal of the said master to take the pilot offering, he shall be compelled to pay half pilotage only.

Proviso.

Remedy of masters or owners of coasting vessels against pilots for neglect of duty.

2. The master or owner of coasting vessels shall have the same remedy against pilots for neglect of duty, as is provided for owners of vessels trading to foreign ports; and the pilots the same compensation for detention.

100 copies of this and the preceding act to be furnished the examiners.

3. The public printer shall furnish the examiners with one hundred copies of this and the act passed January the twenty-first, one thousand eight hundred and twelve, entitled "an act, to amend an act, entitled, an act, concerning pilots;" and it shall be the duty of every pilot offering his services to a master of any coaster, if required, to produce a copy of either or both of said acts; without which it may be lawful for such master to reject such pilot.

Pilot not producing a copy of either or both of these acts may be rejected.

Repealing clause.

4. All acts and parts of acts coming within the purview of this act shall be and the same are hereby repealed.

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. XCIII.

An Act to provide a Temporary Residence for the Governor or Chief Magistrate of this Commonwealth, and for other purposes.

[Passed January 16, 1812.]

1. BE *it enacted by the General Assembly*, That David Bullock, William C. Williams and John Ambler, are hereby appointed commissioners for the purpose of renting a suitable house, and necessary out-houses, for the accommodation of the Governor of this commonwealth for one year. Commissioners appointed to rent an house for the Governor.

2. *And be it further enacted*, That the commissioners aforesaid are hereby authorised and required to purchase suitable furniture for the said house; provided it does not exceed two thousand dollars: And the auditor of public accounts is hereby authorised and required to issue his warrant in favor of the said commissioners for the amount of expenses incurred by the purchase of the furniture aforesaid. And also to purchase suitable furniture; with a sum not exceeding $ 2,000.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. XCIV.

An Act authorising the Executive to give additional compensation to Collectors of the Revenue Tax in certain cases.

[Passed February 20, 1812.]

WHEREAS it has been represented by the Executive, that it is impracticable to procure collectors of the revenue tax, in certain counties, at the compensation they are now authorised to give; Preamble.

1. *Be it therefore enacted*, That the Executive shall be, and they are hereby authorised to make an allowance to collectors of the revenue tax, appointed by them, of not less than seven and an half per centum, nor more than twenty-five per centum, on the monies actually paid into the public treasury by such collector, on account of arrears of taxes due prior to the first day of January, 1812. Executive authorised to make an extraordinary allowance to collectors of the revenue tax in certain cases.

2. This act shall be in force from the passing thereof. Commencement.

CHAP. XCV.

An Act concerning Chancery Courts.

[Passed January 28, 1812.]

BE *it enacted by the General Assembly*, That the district for which a superior court of chancery is holden at Staunton, all be divided into four districts. The present judge of the said urt shall hold courts in the first and second districts; and one her judge shall be elected and commissioned in the manner di- eted by the constitution of this state to hold courts in the third d fourth districts. The judge of the first and second districts oresaid shall reside at the said town of Staunton; and the judge the said third and fourth districts shall reside either at the town Winchester in the county of Frederick, or at the town of arksburg, in the county of Harrison. Staunton district divided into four. Additional judge to be elected; to hold courts in the 3d and 4th districts. Places of residence of the judges.

9th section of this act in regard to delinquent taxes received by said clerk.

Such judgments to be certified to the auditor.

14. The clerk of the court, in which such judgment shall be rendered, shall forthwith certify the same to the auditor of public accounts, who thereupon shall correct his book of delinquents accordingly by giving credit to the person charged with such delinquency for the amount thereof.

What shall be evidence of the incorrectness of an official return, in controversies respecting the titles of lands supposed to be forfeited for non-payment of taxes.

15. Whenever, in any controversy respecting the title of any land supposed to be forfeited for non-payment of taxes, it shall be alledged, in opposition to the official return, that the taxes on such land have been paid, or that there was personal property to be found thereon liable to distress, sufficient to satisfy such taxes, no evidence shall be received, in support of such allegation, other than the judgment of a court, as herein authorised, establishing the incorrectness of the official return so controverted.

Nothing in this act to affect remedies heretofore given against sheriffs, &c.

16. Nothing in this act shall be construed to affect the remedy which any individual, or the commonwealth might be entitled to, against any sheriff or his deputy, or the sureties, or representatives of either, if this act had not been passed.

After the 1st of Nov. 1812, lands, not redeemed, to be sold; under certain regulations.

17. *Be it enacted*, That after the first of November next, it shall be the duty of the sheriff of each county, and the agent of the literary fund therein, to proceed without delay to sell the lands which may not be redeemed, at public sale, to the highest bidder therefor, having first advertised at the door of the courthouse of said county, for four succeeding courts, the time and place of sale, and number of acres, with the name of the person to whom it is taxed: *Provided however*, that before any sale shall be had, the court of such county shall appoint two discreet freeholders to estimate the value of such land, and report, to a succeeding court, a description of its situation, quality and value, from the best information they shall be able to obtain without an actual survey thereof; and no sale shall take place of any land, unless the highest bid therefor shall exceed two thirds of such valuation: For the performance of which duties, when a sale actually takes place, the sheriff shall be entitled, on paying the proceeds of such sale into the public treasury, to the same commission he is now allowed for the collection of taxes, and be liable to the same proceeding for failing to pay the said proceeds, as is provided for the non-payment of the taxes collected by him. And the said freeholders shall be allowed one dollar and fifty cents a day, for every day which they may be employed in the performance of the duties required of them: And the agent of the literary fund four dollars per day for every day he may be engaged in superintending such sale, which sums, with all costs of sale, shall be paid out of the proceeds thereof, and be judged of and allowed by the said county courts: *Provided also*, that, at any time before a sale is made of any tract, it shall be lawful for the owner, joint tenant, tenant in common or parcener of said land, to pay the arrears of tax and interest due on such land, or his, or her proportion thereof, and a like proportion of the costs which may then have been incurred in preparing for the sale of such tract, to be liquidated by the court of said county; and thereupon the said land, or the proportion thereof, for which payment shall have been so made, shall be released to the owner.

Valuers to be appointed by the county courts.

No sale to take place for less than two thirds of their valuation.

Sheriff's compensation where a sale actually takes place.

Allowance to valuers; and to the agents of the literary fund.

Such allowances, with all costs of sale, to be paid out of the proceeds.

Such lands or the proportion thereof to which any person is entitled, may be redeemed at any time before sale is made.

Deeds to the purchasers, by whom to be executed.

18. The sheriff and agent of the literary fund, for the time being, or their successors, in all cases of sale, shall execute deeds to the purchasers.

10. The rights of infants, femes covert, and persons of unsound mind, shall not be affected by this act, until eighteen months after their disabilities shall have ceased. Saving as to the rights of infants, &c.

20. The Executive is hereby authorised to employ such additional clerks as may be necessary to enable the auditor to comply with the requisitions of this act, at such salaries as they may prescribe, to be paid out of the contingent fund. Additional clerks to be employed to enable the auditor to perform the duties imposed by this act.

21. This act shall be in force from the passing thereof. Commencement.

CHAP. XCIX.

An Act supplemental to an Act, entitled, "An Act concerning Taxes on Lands."

[Passed February 20, 1812.]

1. BE *it enacted by the General Assembly*, That the Auditor of Public Accounts shall be, and is hereby authorised to receive the books containing the tax on land for the present year, whether such books contain the designation of lands, required by the second section of the act entitled "An act concerning taxes on lands," or not. Books of the land tax, for the *present year*, to be received by the auditor without special designations of the lands.

2. *Be it further enacted*, That the sum of two thousand dollars shall be appropriated, to be paid out of any monies in the treasury not otherwise appropriated, for the purpose of paying the expense to be incurred in copying and transmitting lists of all lands and lots which have been returned for non-payment of taxes; and that the said expenses shall not be charged on the contingent fund as directed by the twentieth section of the above recited act. Two thousand dollars appropriated to defray expenses to be incurred under the act to which this act is a supplement. Such expenses not to be charged on the contingent fund.

3. *And be it further enacted*, That the respective county courts shall make such allowance to the commissioners of the revenue, for performing the duties prescribed by the second section of the said act, as appears reasonable; to be paid as for other services: *Provided* such allowance shall not exceed the sum of thirty dollars to each commissioner. Allowance to be made to commissioners of the revenue; not exceeding $ 30 to each commissioner.

4. This act shall be in force from the passing thereof. Commencement.

CHAP. C.

An Act amendatory of an Act, entitled, "An Act to amend an Act entitled, an Act for regulating Conveyances, and also to amend an Act entitled an Act reducing into one the Acts concerning Wills, the distribution of Intestates' Estates, and the duty of Executors and Administrators."

[Passed January 21, 1812.]

WHEREAS, by the Act of Assembly, entitled, "An act, to amend the act, entitled an act for regulating conveyances, and also to amend the act, entitled, an act reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators," it is provided that where any clerk shall have departed this life, having failed to deliver, or cause to be delivered, to the clerk of the general court, the dockets of writings and lists of certificates, as required of him by the eighth and thirty-seventh sections of the before recited act, it shall be the duty of the successor of such deceased clerk, to perform all the duties which his predecessor would have been bound to do, by the aforesaid sections, in relation to the said dockets of writings and lists of certificates, and for which servi- Preamble. ☞ See R. Code, 1st vol. p. 158—165, and Sess'ns Acts of 1810, ch. 13, pa. 13.

ces, he may demand and receive of the executor or administrator of the said deceased clerk, the same fees as are allowed by law to the clerk of the general court for recording the same; and which said act doth not embrace the case of services rendered by the successor of a clerk who has vacated his office by resignation, or otherwise;

Successor of a clerk who shall have resigned, or otherwise vacated his office, allowed compensation for performing certain duties;

1. *Be it therefore enacted by the General Assembly*, That where any clerk shall have resigned his office, or otherwise vacated the same, having failed to deliver, or cause to be delivered, to the clerk of the general court, the dockets of writings and lists of certificates as required of him by the eighth section of the act for regulating conveyances, and the thirty-seventh section of the act reducing into one the several acts concerning wills, the distribution of intestates' estates and the duty of executors and administrators," it shall be the duty of the successor of such clerk so resigning, or otherwise vacating his office, to perform all the duties, which his predecessor would have been bound to do, by the aforesaid sections, in relation to the said dockets of writings and lists of certificates; for which services, he may demand and receive of his said predecessor, his heirs, executors, or administrators, the same fees as are allowed by law to the clerk of the general court for recording the same.

to be paid by his predecessor, his heirs, executors or administrators

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. CI.

An Act making further provision for furnishing the Public Officers of this Commonwealth with the Laws thereof.

[Passed February 10, 1812.]

Preamble.

WHEREAS it hath been represented to the General Assembly, that the number of copies of the Revised Code of the Laws of this Commonwealth which have been allowed and distributed among the public officers thereof, have been found to be insufficient; and whereas it hath also been represented by Samuel Pleasants, that he hath at considerable expense commenced the printing of a new edition of the said Revised Code, with a Supplement to the second volume, containing the public acts, and such as are generally interesting, which have passed since the session of one thousand eight hundred and seven, and all the titles of the private and local acts, with valuable notes and a full and accurate index to the whole, and that he is willing to furnish the Commonwealth with any number of copies thereof, which the Legislature may determine to take for it's use at a reasonable price: And the said Samuel Pleasants, having petitioned the General Assembly to sanction the publication of the same in such manner as to give them legal authority:

Five hundred copies of the new edition of the 1st volume, and fifteen hundred of the second vol. of the R. Code to be purchased; at a price not exceeding four dollars.

1. *Be it therefore enacted*, The Governor be, and he is hereby authorised and required, to purchase five hundred copies of the first volume, and fifteen hundred copies of the second volume of the said edition when the printing thereof is completed; the price whereof shall be paid out of the treasury upon warrant or warrants to be issued by order of the executive: *Provided nevertheless*, the Executive shall not exceed the price of four dollars for each volume.

2. The number of volumes so purchased shall be distributed, by the Executive, among the public officers of this Commonwealth, in such manner as they shall think best.

Each volume to be declared a volume; and to be distributed by the executive.

3. *Be it further enacted*, That upon the certificate of Andrew Stevenson, William Munford and William Hay, jr. or any two of them, being published with the said laws, stating that they had carefully compared the edition of the acts, so to be published, with the original laws, and found them to be truly and accurately printed, they shall be received and considered of equal authority in the courts of this commonwealth, as the originals from which they are taken.

In what manner the said edition is to be authenticated and considered as of legal authority.

4. *And be it further enacted*, That it shall be the duty of the public printer, annually hereafter, to print the acts of the General Assembly in two parts, the first to contain the acts of a general nature, with a separate index, and the second part to contain those laws which are merely local or private in their operation: And as soon as the same shall be printed, it shall be the duty of the Executive, to cause one copy of the said laws to be sent at the public expense, by mail, to the respective clerks of courts within this commonwealth for the immediate use of their courts, and in like manner to transmit one copy to the Executive authorities of the respective states and territories of the United States, with a request to interchange the laws with them annually.

Regulation as to the method of printing hereafter the public and private acts of each session of Assembly.

Copies of sessions' acts to be sent, *by mail*, to the clerks of courts, as soon as published; also to the executive authorities of the states and territories of the U. States.

5. This act shall commence and be in force from the passing thereof.

Commencement.

CHAP. CII.

An Act authorising the County Courts of this Commonwealth to appoint Processioners of Lands in certain cases.

[Passed January 20, 1812.]

Preamble.

WHEREAS it is represented to the General Assembly, that the courts of certain counties have omitted to appoint persons between the first day of June and the first day of September last, to procession the lands in the said counties, agreeably to the directions of an act, entitled "An act for reducing into one the several acts concerning the land office; ascertaining the terms and manner of granting waste and unappropriated lands; for settling the titles and bounds of lands; directing the mode of processioning; and prescribing the duties of surveyors;" passed the seventeenth day of December, one thousand seven hundred and ninety two;

☞ See R. Code, 1st vol. ch. 86, sec. 56, 57, 58, p. 150.

1. *Be it enacted*, That, where it has happened that any county court within this commonwealth hath failed to appoint processioners according to law, it shall be lawful for such county court, between the passage of this act and the first day of September in the present year, to appoint processioners according to the directions of the above recited act, to remain in office until the expiration of the time for which such processioners were directed to remain in office by the said recited act; and from and after that time to be appointed between the periods and in the manner therein directed. Each processioner so appointed, and all others appointed since the first day of June last past, and to be appointed under this, or any other act of the Legislature of this Commonwealth, shall be allowed by the court of his county one dollar for every day he shall be employed. And, in case of the death, resignation or re-

County courts, which have failed to appoint processioners, authorised to do so, on or before 1st of September.

Processioners to be allowed one dollar *per diem*.

Vacancies in the office of proces-

mond, one other district; the counties of Hanover and Caroline, one other district; the counties of King and Queen, King William and Essex, one other district; the counties of Spottsylvania, Orange, Madison and Culpeper, one other district; the counties of Loudoun and Fauquier, one other district; the counties of Accomac, Northampton, Elizabeth City, Warwick and York, one other district; the city of Williamsburg, and the counties of James City, Charles City, New Kent, Middlesex, Gloucester and Mathews, one other district; the counties of Richmond, Lancaster, Northumberland, Westmoreland and King George, one other district; the counties of Prince William, Fairfax and Stafford, one other district; the counties of Frederick and Hardy, one other district: the counties of Hampshire, Berkeley and Jefferson, one other district; the counties of Rockingham, Shenandoah and Pendleton, one other district; the counties of Rockbridge, Augusta and Botetourt, one other district; the counties of Washington, Wythe, Tazewell, Russell, Lee and Grayson, one other district; the counties of Greenbrier, Bath, Kanawha, Cabell, Giles, Mason, Montgomery and Monroe, one other district; and the counties of Monongalia, Brooke, Harrison, Ohio, Randolph and Wood, one other district.

Rule, in case any ticket shall contain the names of more than one person residing in any one district, or in case two or more persons so resident shall be of the twenty five first upon the poll.

2. In case any ticket shall contain two or more names of persons residing in the same district, the first of such names only shall be considered as duly voted for; and in like manner if two or more persons shall be of the twenty-five first upon the poll, who shall reside in the same district, he who shall have the greatest number of votes shall only be duly elected. The Governor, with the advice of Council, shall, on or before the first day of August in every year wherein such election is to take place, appoint and commission three persons in each county of this state, and in the cities of Richmond, Williamsburg, and borough of Norfolk, for the purpose of executing this law, any two or more of whom shall be competent to act. Each person, before he enters upon the duties herein enjoined, shall take and subscribe the following oath, or affirm: "I, A. B. do solemnly swear, or affirm, faithfully and truly to execute the office of a commissioner under the act, entitled, "An act to amend an act, entitled an act to amend an act, entitled, an act, for appointing electors to choose a President and Vice-President of the United States;" that I will, to the best of my skill and judgment admit all persons to vote entitled to do so, and reject all not so entitled; and that I will make a fair return of the persons voted for as electors, within my county, city or borough, and of the number of votes given for each, according to this act—So help me God." Which affidavit, the magistrate administering the oath, or affirmation, shall return attested to the clerk of the county court to be by him filed; and the said magistrate shall also give to such commissioner a certificate that he had taken the oath prescribed by this act. It shall be the duty of such commissioners to attend at the several places for holding the said elections directed by law, and then and there to hold the same in manner following: They shall receive of each person whom they shall adjudge to be entitled to vote in his county or corporation, a paper containing the names of twenty five persons, for whom such individual shall vote as electors, on the back of which paper shall be written the name of the person voting; and, as the votes are rendered, it shall be the duty of the said commissioners to take an exact poll of the names of all voters. It shall be the duty of the

Commissioners to be appointed to conduct the elections.

Oath or affirmation to be taken by such commissioners.

Their duty.

clerk of each county to attend at the said election for the electors of a President and Vice-President of the United States, with the list of lands as taxed therein, to be used by the said commissioners as evidence towards ascertaining the right of any person to vote. If it shall appear to the said commissioners that the persons entitled to vote were prevented from attending by bad weather, or from any other cause, they are hereby empowered and required to keep the poll open for a term not exceeding three days. So soon as the poll is closed, the said commissioners shall subscribe each sheet upon which the same containing the names of the voters shall be taken, and also obtain a subscription of two or more creditable persons thereto, which poll thus subscribed it shall be their duty to file in the clerk's office of the said county or corporation, within ten days of the time of holding the election, there to be recorded according to law. The said commissioners shall, within two days after the polls shall be closed, ascertain the number of votes given for every person who shall be voted for as an elector: *Provided*, that until the return shall be signed by the commissioner holding the election, the tickets, so delivered in, shall be kept by one of the said commissioners, under the seal and subscription of more than one, and shall never be opened nor examined by less than two of the said commissioners. The said commissioners shall, within three days after closing the poll as aforesaid, make out three copies of a return in the following form: "We, A. B. and C. commissioners for holding the election of electors for a President and Vice-President of the United States, for the county, city or borough, (as the case may be) of do hereby certify, that an election was held on the first Monday in November, for the said county, city or borough (as the case may be) pursuant to law, and that the number of votes herein specified, opposite to the names of the several persons following, was given for such persons as electors, for the state of Virginia, of a President and Vice-President of the United States, namely: (here such list of persons and votes is to follow.) Given under our hands and seals this day of one thousand eight hundred and which returns, written in words and not in figures, shall be sealed and subscribed by the commissioners holding the election. One of the said returns shall be delivered to some person among the twenty-five, who shall have therein the greatest number of votes; another shall be filed in the clerk's office of the county or corporation electing; and the third shall be transmitted to the governor and council; all of which shall be done within fifteen days after the same shall be made out; and the governor and council shall proceed to ascertain from the said returns the twenty-five persons having the greatest number of votes throughout this state, and to advertise their names in such Gazettes as they may think proper.

Clerk of the county court to attend such elections with the land list.

In certain cases polls may be kept open; not exceeding three days.

Polls, in what manner to be authenticated;

To be filed in the clerk's office.

Number of votes, when to be ascertained.

Tickets to be preserved and kept by one of the commissioners, under seal, &c.

Returns to be made out within three days.

Form of such return.

To whom to be delivered;

and within what time.

Duty of the governor and council.

5. If on account of death, sickness, or other cause, only one of the said commissioners shall attend at the time and place for holding the said election, he is hereby empowered to associate with himself as a commissioner, the high sheriff, or any magistrate of the county or corporation electing, who being qualified as before directed, shall be as competent to act as if he had been appointed by the governor with the advice of council. It shall be the duty of the sheriff of every county, and of the sergeant of every corporation entitled to elect, to attend the said commissioners during the said election, and to remove force, should it be offered. And

Power given to any *one* commissioner, in case the others fail to attend.

Duty of sheriffs of counties, and sergeants of corporations.

Penalty on sheriff or commissi-

oner for neglect of duty.

if any sheriff shall fail in his duty as aforesaid, or if any commissioner shall refuse to take the poll, being required so to do by a candidate or person qualified to vote, or shall take it contrary to this act, or shall make or sign a false return, or shall falsify the polls or tickets, by erasure or alteration, he or they so offending shall for every such offence forfeit and pay the sum of three hundred dollars, to be recovered with costs in an action of debt before any court of record within this commonwealth by any person who will sue for the same.

Tickets to be sealed up,

After the said return shall be made, it shall be the duty of the said commissioners to seal up all the tickets, or votes, by them received in manner herein directed, and endorse their names upon the cover as aforesaid, which shall be preserved by one of the commissioners, and shall, if demanded under an order from the governor, with the advice of council, within six months of the said election, be forthwith delivered, under the penalty before prescribed in other cases of misconduct; but if the said tickets, or votes, shall not be so demanded within six months, the commissioner holding the same shall no longer be considered as answerable for them.

and (if demanded) delivered to the governor and council:

if no such demand be made in six months, the commissioner, holding the tickets, not to be answerable for them.

The governor, with the advice of council, is hereby empowered to defray, by order on the treasury, all reasonable expenses which may attend the execution of this act, and also the expense which may be incurred by transmitting the said returns to the executive, whenever it shall appear that it was necessary to employ a special messenger for that purpose.

Expenses, how to be defrayed.

Twenty-five persons having the greatest number of votes to be electors; &c.

4. *And be it further enacted*, That the twenty-five persons, having the greatest number of votes under this act, shall be the electors of a President and Vice-President of the United States, for and on behalf of this state; provided they attend for that purpose at the capitol in the city of Richmond, and at the time appointed by law; but if it shall so happen that any one or more of the said electors chosen by the people under the authority of this act shall, from any cause whatever, fail to attend at the place appointed by the said act for the meeting of the electors, at three o'clock in the afternoon, on the day preceding the day appointed for their meeting by the act of congress, it shall be lawful for the Senate and House of Delegates, and they are hereby required, by joint ballot, to proceed to supply such vacancy or vacancies, until the number of twenty-five electors for the purpose aforesaid is completed: But if the legislature shall not be in session on such day, it shall be lawful for the governor with the advice of council to supply such vacancy or vacancies; which elector or electors so appointed shall be entitled to vote for a President and Vice-President of the United States, in the same manner as if he or they had been chosen in the manner before prescribed. *Provided nevertheless*, that if any elector or electors, chosen by the people under the authority of this act, shall attend at the hour of ten in the morning of the day appointed for their meeting as aforesaid, then the appointments made for the purpose of supplying such supposed vacancy shall be void and of no effect.

Provided they attend at the time and place appointed by law.

If any of them fail to attend, at 3 o'clock in the afternoon of the day, previous to such appointed day, provisional appointment to be made by the Legislature; or by the Executive.

Proviso.

Rep'ling clause.

5. All acts and parts of acts that come within the purview of this act, shall be, and the same are hereby repealed.

No compensation to be made to the commissioners.

6. *Provided*, That nothing herein contained shall be so construed as to authorise any compensation to be made to the commissioners to be appointed by this act.

Commencement.

7. This act shall commence and be in force from and after the passing thereof.

CHAP. XCVIII.

An Act concerning Taxes on Lands.

[Passed January 23, 1812.]

Taxes on lands to remain a *lien* upon them until discharged with interest.

1. BE *it enacted by the General Assembly*, That the taxes due or chargeable, or hereafter to become due or chargeable, upon lands and lots within this commonwealth, shall be and remain a lien upon the said lands and lots, until the same, with the interest thereon, shall be discharged, except in such cases as are herein provided.

Commissioners of revenue to obtain designations of situations of lands and enter such designations in their lists.

2. It shall be the duty of the commissioners in taking the lists of taxable property, to apply to the owners of lands within their respective districts, for a designation of the situation of their lands respectively, and to enter in their books such situation, by inserting the same in a separate column thereof, and the number, if any, of the tract.

Similar designations to be furnished by non-resident owner of lands.

3. All non-residents shall furnish to the said commissioners, on or before the first day of August next, similar designations of their lands within the respective districts, to be entered in like manner on the commissioners' books; and in case the said non-residents shall neglect so to do, it shall be the duty of the commissioners to describe them in the said column of their books according to the best information they shall be able to obtain; and, wherever from the neglect of the non-resident owner, or from the incorrect representation of the non-resident, or resident owner, any error shall occur in the description of any tract of land, or in the name of the owner, the said land shall nevertheless be liable to all the effects of this, or any other law, subjecting the same to sale or forfeiture for the non-payment of the taxes assessed thereon.

Duty of commissioners in case they fail to furnish such designations.

Provision in case of error in the description, arising, from the owners' neglect or misrepresentation.

Persons who have failed to enter their lands for taxation, allowed further time.

4. All persons who have neglected to comply with the laws requiring them to enter their lands and lots for taxation, on or before the fifth day of August one thousand eight hundred and eleven, shall be exempt from the penalty imposed thereby, on making such entry with the commissioner of the revenue, where the same is situate, on or before the first day of August next; and it shall be the duty of the commissioner to charge the same in a separate column with the taxes of the year one thousand eight hundred and eleven, and also with the taxes of the year one thousand eight hundred and twelve.

Such lands to be charged with the taxes of 1811, and 1812.

Further time allowed to redeem lands which have or shall become forfeited for the non-payment of taxes;

on payment of the taxes with 10 per centum per ann. interest.

Provision where lands have been improperly returned delinquent or improperly charged.

Owner, joint tenant, tenant in common or parcener allowed to pay the tax and

5. A further time until the first of November next shall be, and the same is hereby allowed for the redemption of all lands and lots which have become or shall become forfeited for the non-payment of taxes; on payment of the taxes due thereon, with an interest of ten per centum per annum on the same. And whereas it may so happen that lands have been, or may be returned for the non-payment of the taxes where the same have been paid, or are improperly charged for a portion of the time thus returned; in all such cases it shall and may be lawful for any person to pay the tax and interest for any one or more years mentioned in the said returns; and in all cases it shall be lawful for the owner, joint tenant, tenant in common or parcener, of land taxed in the name of any person or persons, to pay the tax and interest on such proportion as he, or she may claim, and obtain a receipt therefor; and the proportion, on which the tax and interest shall so have been paid, shall be thereby discharged from the lien upon it, or any forfeiture incurred or to be incurred for failure to pay the taxes.

interest on his proportion of the land.

Punishment of a sheriff or other officer receiving the tax on any land, and *fraudulently* returning it delinquent.

6. If any sheriff, under-sheriff or other officer shall in virtue of his office receive the tax on any land or lot, and shall return the same as delinquent for the non-payment of the tax, with intention in so doing to defraud the commonwealth, or any individual, it shall be deemed a high misdemeanor; and, on conviction thereof in any court of record, having competent jurisdiction of the same, upon indictment or information, he shall be removed from office, and be rendered incapable of ever after holding any office of trust or profit under authority of this commonwealth, and moreover shall be fined at the discretion of the jury, and imprisoned at the discretion of the court.

Penalty on a sheriff or other officer for *intentionally*, or by *mistake or otherwise*, returning land delinquent after receiving the tax upon it.

To be recovered by motion in a summary way.

7. In all cases where any sheriff, under sheriff or other officer, shall receive the tax upon any land or lot in virtue of his office, and shall, intentionally, or by mistake or otherwise, return the same delinquent for the non-payment of the tax assessed thereon, he shall for each and every such improper return, when intentionally made, forfeit and pay, to the party grieved, ten fold the amount of such taxes, and in all other cases, five times the said amount, to be recovered, by judgment upon motion, before any county or superior court of record, having jurisdiction where the said land or lot is situate, of the sheriff, under-sheriff or other officer, and his or their securities, or the executor or administrator of such sheriff, under-sheriff or other officer, jointly or severally, on giving ten days previous notice of such motion to the person or persons against whom judgment shall be rendered; and it shall be the duty of the clerk to endorse on any execution issued by virtue of such judgment, that no security of any kind is to be taken: and upon such motion, the certificate of the auditor, or a copy of the list to be filed in the Clerk's office, shall be legal evidence.

No security to be taken on any execution in such cases.

What shall be legal evidence upon such motion.

Remedy of sheriff where judgment shall be recovered against him for the default of his deputy.

8. In like manner it shall be lawful for any sheriff in all cases where judgment shall or may be recovered against him for the default of his deputy, to recover judgment for the amount thereof with costs against the said deputy and his sureties, executors or administrators, jointly or severally, on giving ten days previous notice of such motion to the person or persons against whom judgment shall be rendered; and, upon the execution issued in virtue of such judgment, the clerk shall endorse that no security shall be taken; and, upon such motion, the certificate of the auditor, or a copy of the list to be filed in the Clerk's office, shall be legal evidence.

Duty of Sheriff to deposit annually with the clerk of his county court a copy of his list of delinquent lands.

Penalty for failure.

No lien to attach on lands, if this duty be not performed.

Taxes may be paid to the clerk.

Entries of such payments to be made by him, and returned to the

9. It shall be the duty of the sheriff of each county to deposit, annually, with the clerk of his county court before the first day of November, a fair copy of the list of delinquent lands returned by him to the auditor's office; to be carefully kept by the said clerk free for the inspection of all persons; and for each failure the said sheriff shall forfeit and pay to the commonwealth five hundred dollars, recoverable on motion in the superior court of his county, on giving ten days previous notice. And where the sheriff neglects to make such return, no lien shall attach to any lands upon which the taxes have not been paid, and which should have been returned as aforesaid. And it shall be lawful for any person to make payment to the said clerk, within the times limited by law, of any taxes and interest charged on lands or lots contained in the said lists. And the said clerk shall be, and is hereby authorised and required to receive the said taxes and interest, and grant receipts

therefor. And it shall also be his duty to make regular entries upon the said list of all lands for which the taxes shall be paid at the time of such payment, and make due return thereof to the Auditor's office, annually, and account for the money he shall have received, deducting therefrom six per centum for collection, in the same manner and at the same time that he is now required by law to account for and pay the tax received upon law process, subject to the penalty imposed by the said act, to be recovered in the manner therein set forth.

auditor's office annually. Money to be paid into the treasury (deducting six per centum for collection) at the time of paying the tax received upon law process.

10. The Auditor of Public Accounts shall transmit to the clerk of each county, on or before the first of June next, complete lists of all lands and lots which have been returned for non-payment of taxes in the said counties respectively, and on which the taxes shall remain unpaid at the time when such lists shall be transmitted; and the said clerks shall further be authorised to receive the taxes and interest chargeable thereon, and account therefor, after deducting the sum of six per centum for collection, in the same manner, and subject to the same penalty, as prescribed in the preceding section. *Provided*, that nothing in this, or the preceding section shall be so construed as to prevent the payment of any delinquent taxes into the treasury, in the same manner as if no authority had been hereby given to the clerks of county courts to receive such taxes.

Auditor, on o before the 1st o June, 1812, to send lists of all delinquent lands to the clerks of county courts; who may receive and account for the taxes due thereon.

Proviso.

11. It shall be the duty of the Auditor of Public Accounts and of the clerks of the county courts respectively, to specify, in their receipts for taxes paid to them on forfeited lands, the quantity, or proportion of each tract for which such taxes are paid, and the name of the person making such payment, and to enter the same accordingly on their respective books and lists of delinquents.

What shall be expressed in receipts given for such payments.

12. No sheriff, under-sheriff, or other officer, shall return any land delinquent, on account of the non-payment of the taxes thereon, if there be on the said land personal property to be found, liable to distress, sufficient to satisfy the said taxes. No return made contrary to this provision shall subject such land to forfeiture. And any sheriff, under-sheriff, or other officer, who shall make such improper return, shall forfeit and pay to the party grieved thereby not less than five fold, nor more than ten fold the amount of the taxes so returned delinquent, to be recovered, in like manner as is provided by the seventh section of this act for the recovery of the penalties hereby imposed.

Lands in no case to be returned delinquent, if sufficient personal property liable to distress be found thereon.

Penalty for returning such lands delinquent.

13. On every motion made under this law against any sheriff, under-sheriff or other officer, their securities or representatives, for the recovery of any penalty hereby imposed for an improper return, it shall be the duty of the court, if they render judgment for the plaintiff, to include, in said judgment, not only the penalty imposed as aforesaid, but the amount of the taxes so improperly returned delinquent, together with ten per centum per annum interest thereon, from the time the same became due until paid, and to specify in said judgment, that the amount of taxes and interest so included are for the benefit of the commonwealth of Virginia. The amount of money and interest so recovered for the benefit of the commonwealth shall be paid to the clerk of the court of that county within which the judgment shall be rendered, to be accounted for and paid by him into the public treasury, in the same manner, and subject to the same deduction as is provided by the

Amount of taxes improperly returned to be in all cases included (for the commonwealth's benefit) in judgments against sheriffs.

Such sums to be paid to the clerks of county courts.

9th section of this act in regard to delinquent taxes received said clerk.

Such judgments to be certified to the auditor.

14. The clerk of the court, in which such judgment shall rendered, shall forthwith certify the same to the auditor of pu accounts, who thereupon shall correct his book of delinquents cordingly by giving credit to the person charged with such d quency for the amount thereof.

What shall be evidence of the incorrectness of an official return, in controversies respecting the titles of lands supposed to be forfeited for non-payment of taxes.

15. Whenever, in any controversy respecting the title of land supposed to be forfeited for non-payment of taxes, it shall alledged, in opposition to the official return, that the taxes on land have been paid, or that there was personal property t found thereon liable to distress, sufficient to satisfy such taxes evidence shall be received, in support of such allegation, o than the judgment of a court, as herein authorised, establish the incorrectness of the official return so controverted.

Nothing in this act to affect remedies heretofore given against sheriffs, &c.

16. Nothing in this act shall be construed to affect the rem which any individual, or the commonwealth might be entitled against any sheriff or his deputy, or the sureties, or representa of either, if this act had not been passed.

After the 1st of Nov. 1812, lands, not redeemed, to be sold; under certain regulations.

17. *Be it enacted*, That after the first of November nex shall be the duty of the sheriff of each county, and the age the literary fund therein, to proceed without delay to sell the la which may not be redeemed, at public sale, to the highest bi therefor, having first advertised at the door of the courthou said county, for four succeeding courts, the time and place of and number of acres, with the name of the person to whom i taxed: *Provided however*, that before any sale shall be had, t court of such county shall appoint two discreet freeholders t timate the value of such land, and report, to a succeeding cou description of its situation, quality and value, from the best in mation they shall be able to obtain without an actual survey th of; and no sale shall take place of any land, unless the hig bid therefor shall exceed two thirds of such valuation: For performance of which duties, when a sale actually takes plac sheriff shall be entitled, on paying the proceeds of such sale the public treasury, to the same commission he is now allowed the collection of taxes, and be liable to the same proceedings failing to pay the said proceeds, as is provided for the non ment of the taxes collected by him. And the said freehol shall be allowed one dollar and fifty cents a day, for every which they may be employed in the performance of the duties quired of them: And the agent of the literary fund four do per day for every day he may be engaged in superintending sale, which sums, with all costs of sale, shall be paid out of proceeds thereof, and be judged of and allowed by the said co courts: *Provided also*, that, at any time before a sale is made any tract, it shall be lawful for the owner, joint tenant, tena common or parcener of said land, to pay the arrears of tax a terest due on such land, or his, or her proportion thereof, a like proportion of the costs which may then have been incurr preparing for the sale of such tract, to be liquidated by the of said county; and thereupon the said land, or the propo thereof, for which payment shall have been so made, shall b leased to the owner.

Valuers to be appointed by the county courts.

No sale to take place for less than two thirds of their valuation.

Sheriff's compensation where a sale actually takes place.

Allowance to valuers; and to the agents of the literary fund.

Such allowances, with all costs of sale, to be paid out of the proceeds.

Such lands or the proportion thereof to which any person is entitled, may be redeemed at any time before sale is made.

Deeds to the purchasers, by whom to be executed.

18. The sheriff and agent of the literary fund, for the time ing, or their successors, in all cases of sale, shall execute dee the purchasers.

10. The rights of infants, femes covert, and persons of unsound mind, shall not be affected by this act, until eighteen months after their disabilities shall have ceased. Saving as to the rights of infants, &c.

20. The Executive is hereby authorised to employ such additional clerks as may be necessary to enable the auditor to comply with the requisitions of this act, at such salaries as they may prescribe, to be paid out of the contingent fund. Additional clerks to be employed to enable the auditor to perform the duties imposed by this act.

21. This act shall be in force from the passing thereof. Commencement.

CHAP. XCIX.

An Act supplemental to an Act, entitled, "An Act concerning Taxes on Lands."

[Passed February 20, 1812.]

1. BE *it enacted by the General Assembly*, That the Auditor of Public Accounts shall be, and is hereby authorised to receive the books containing the tax on land for the present year, whether such books contain the designation of lands, required by the second section of the act entitled "An act concerning taxes on lands," or not. Books of the land tax, for the *present year*, to be received by the auditor without special designations of the lands.

2. *Be it further enacted*, That the sum of two thousand dollars shall be appropriated, to be paid out of any monies in the treasury not otherwise appropriated, for the purpose of paying the expense to be incurred in copying and transmitting lists of all lands and lots which have been returned for non-payment of taxes; and that the said expenses shall not be charged on the contingent fund as directed by the twentieth section of the above recited act. Two thousand dollars appropriated to defray expenses to be incurred under the act to which this act is a supplement. Such expenses not to be charged on the contingent fund.

3. *And be it further enacted*, That the respective county courts shall make such allowance to the commissioners of the revenue, for performing the duties prescribed by the second section of the said act, as appears reasonable; to be paid as for other services: *Provided* such allowance shall not exceed the sum of thirty dollars to each commissioner. Allowance to be made to commissioners of the revenue; not exceeding $ 30 to each commissioner.

4. This act shall be in force from the passing thereof. Commencement.

CHAP. C.

An Act amendatory of an Act, entitled, "An Act to amend an Act entitled, an Act for regulating Conveyances, and also to amend an Act entitled an Act reducing into one the Acts concerning Wills, the distribution of Intestates' Estates, and the duty of Executors and Administrators."

[Passed January 21, 1812.]

WHEREAS, by the Act of Assembly, entitled, "An act, to amend the act, entitled an act for regulating conveyances, and also to amend the act, entitled, an act reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators," it is provided that where any clerk shall have departed this life, having failed to deliver, or cause to be delivered, to the clerk of the general court, the dockets of writings and lists of certificates, as required of him by the eighth and thirty-seventh sections of the before recited act, it shall be the duty of the successor of such deceased clerk, to perform all the duties which his predecessor would have been bound to do, by the aforesaid sections, in relation to the said dockets of writings and lists of certificates, and for which servi- Preamble. ☞ See R. Code, 1st vol. p. 158—165, and Sess'ns Acts of 1810, ch. 13, pa. 13.

ces, he may demand and receive of the executor or administrator of the said deceased clerk, the same fees as are allowed by law to the clerk of the general court for recording the same; and which said act doth not embrace the case of services rendered by the successor of a clerk who has vacated his office by resignation, or otherwise;

Successor of a clerk who shall have resigned, or otherwise vacated his office, allowed compensation for performing certain duties;

1. *Be it therefore enacted by the General Assembly*, That where any clerk shall have resigned his office, or otherwise vacated the same, having failed to deliver, or cause to be delivered, to the clerk of the general court, the dockets of writings and lists of certificates as required of him by the eighth section of the act for regulating conveyances, and the thirty-seventh section of the act reducing into one the several acts concerning wills, the distribution of intestates' estates and the duty of executors and administrators," it shall be the duty of the successor of such clerk so resigning, or otherwise vacating his office, to perform all the duties, which his predecessor would have been bound to do, by the aforesaid sections, in relation to the said dockets of writings and lists of certificates; for which services, he may demand and receive of his said predecessor, his heirs, executors, or administrators, the same fees as are allowed by law to the clerk of the general court for recording the same.

to be paid by his predecessor, his heirs, executors or administrators

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. CI.

An Act making further provision for furnishing the Public Officers of this Commonwealth with the Laws thereof.

[Passed February 10, 1812.]

Preamble.

WHEREAS it hath been represented to the General Assembly, that the number of copies of the Revised Code of the Laws of this Commonwealth which have been allowed and distributed among the public officers thereof, have been found to be insufficient; and whereas it hath also been represented by Samuel Pleasants, that he hath at considerable expense commenced the printing of a new edition of the said Revised Code, with a Supplement to the second volume, containing the public acts, and such as are generally interesting, which have passed since the session of one thousand eight hundred and seven, and all the titles of the private and local acts, with valuable notes and a full and accurate index to the whole, and that he is willing to furnish the Commonwealth with any number of copies thereof, which the Legislature may determine to take for it's use at a reasonable price: And the said Samuel Pleasants, having petitioned the General Assembly to sanction the publication of the same in such manner as to give them legal authority:

Five hundred copies of the new edition of the 1st volume, and fifteen hundred of the second vol. of the R. Code to be purchased; at a price not exceeding four dol.

1. *Be it therefore enacted*, The Governor be, and he is hereby authorised and required, to purchase five hundred copies of the first volume, and fifteen hundred copies of the second volume of the said edition when the printing thereof is completed; the price whereof shall be paid out of the treasury upon warrant or warrants to be issued by order of the executive: *Provided nevertheless*, the Executive shall not exceed the price of four dollars for each volume.

2. The number of volumes so purchased shall be distributed, by the Executive, among the public officers of this Commonwealth, in such manner as they shall think best.

lars' a volume; and to be distributed by the executive.

2. *Be it further enacted*, That upon the certificate of Andrew Stevenson, William Munford and William Hay, jr. or any two of them, being published with the said laws, stating that they had carefully compared the edition of the acts, so to be published, with the original laws, and found them to be truly and accurately printed, they shall be received and considered of equal authority in the courts of this commonwealth, as the originals from which they are taken.

In what manner the said edition is to be authenticated and considered as of legal authority.

3. *And be it further enacted*, That it shall be the duty of the public printer, annually hereafter, to print the acts of the General Assembly in two parts, the first to contain the acts of a general nature, with a separate index, and the second part to contain those laws which are merely local or private in their operation: And as soon as the same shall be printed, it shall be the duty of the Executive, to cause one copy of the said laws to be sent at the public expense, by mail, to the respective clerks of courts within this commonwealth for the immediate use of their courts, and in like manner to transmit one copy to the Executive authorities of the respective states and territories of the United States, with a request to interchange the laws with them annually.

Regulation as to the method of printing hereafter the public and private acts of each session of Assembly.

Copies of sessions' acts to be sent, *by mail*, to the clerks of courts, as soon as published; also to the executive authorities of the states and territories of the U. States.

4. This act shall commence and be in force from the passing thereof.

Commencement.

CHAP. CII.

An Act authorising the County Courts of this Commonwealth to appoint Processioners of Lands in certain cases.

[Passed January 20, 1812.]

Preamble.

WHEREAS it is represented to the General Assembly, that the courts of certain counties have omitted to appoint persons between the first day of June and the first day of September last, to procession the lands in the said counties, agreeably to the directions of an act, entitled "An act for reducing into one the several acts concerning the land office; ascertaining the terms and manner of granting waste and unappropriated lands; for settling the titles and bounds of lands; directing the mode of processioning; and prescribing the duties of surveyors;" passed the seventeenth day of December, one thousand seven hundred and ninety two;

☞ See R. Code, 1st vol. ch. 86, sec. 56, 57, 58, p. 150.

1. *Be it enacted*, That, where it has happened that any county court within this commonwealth hath failed to appoint processioners according to law, it shall be lawful for such county court, between the passage of this act and the first day of September in the present year, to appoint processioners according to the directions of the above recited act, to remain in office until the expiration of the time for which such processioners were directed to remain in office by the said recited act; and from and after that time to be appointed between the periods and in the manner therein directed. Each processioner so appointed, and all others appointed since the first day of June last past, and to be appointed under this, or any other act of the Legislature of this Commonwealth, shall be allowed by the court of his county one dollar for every day he shall be employed. And, in case of the death, resignation or re-

County courts, which have failed to appoint processioners, authorised to do so, on or before 1st of September.

Processioners to be allowed one dollar *per diem*.

Vacancies in the office of proces-

sioners may be supplied.

moval from office of any such processioners, the court of the county where such vacancy shall happen, shall have power to appoint a successor.

Fines incurred by magistrates for failing to appoint processioners remitted.

2. *And be it further enacted*, That the magistrates of the aforesaid counties and all others which have failed to appoint processioners as aforesaid, shall be, and they are hereby released from any fine or penalty which they may have incurred, or be liable to, for having failed to comply with the above recited act.

Commencement.

3. This act shall be in force from and after the passing thereof.

CHAP. CIII.

An Act changing the times of holding certain Courts.

[Passed January 28, 1812.]

Superior courts of law in the 13th circuit, when to be holden.

BE *it enacted by the General Assembly*, That the superior courts of law in the thirteenth circuit shall be held in the county of Lee, upon the first Mondays in April and September in every year; in the county of Russell, upon the second Mondays in April and September in every year; in the county of Tazewell, upon the third Mondays in April and September in every year; in the county of Giles, upon the fourth Mondays in April and September in every year; in the county of Montgomery, upon the first Mondays after the fourth Mondays in April and September in every year; and the superior courts of law for the counties of Wythe and Grayson shall be held for those counties respectively on the days now prescribed by law; and the superior court of law for the county of Washington shall be held on the Monday next after the times prescribed by this act for holding the superior courts of law for the county of Grayson, in the months of May and October in every year.

Inferior courts for the county of Giles, when to be holden.

2. The inferior courts for the county of Giles, shall hereafter be held on the last Tuesday in every month, and the quarterly courts for the said county shall be held in the months of February, May, July and October, in every year.

Also the superior courts of Hardy,

3. The superior courts of Hardy county shall be held on the Fridays after the Mondays on which the superior courts of Pendleton county are now holden.

and Randolph counties.

4. The superior courts of law in the eleventh circuit for the county of Randolph, shall be held on the third Monday after the fourth Mondays in April and September in every year, instead of the times heretofore prescribed by law.

Rep'ling clause.

5. All acts coming within the purview of this act shall be, and the same are hereby repealed.

Commencement.

6. So much of this act as relates to the eleventh circuit shall be in force from the passing thereof, and the residue of said act shall be in force from and after the first day of June next.

CHAP. CIV.

An Act, to amend an Act, entitled, "An Act to alter the time of the Annual Meeting of the General Assembly.

[Passed February 19, 1812.]

Next General Assembly to meet on the last Monday in Nov. 1812.

1. BE *it enacted by the General Assembly*, That the meeting of the next General Assembly be on the last Monday in November, one thousand eight hundred and twelve; any law to the contrary notwithstanding.

2. So much of the act passed the twenty-fourth day of December, one thousand seven hundred and ninety-six, entitled, "An act to alter the time of the annual meeting of the General Assembly," as comes within the purview of this act, shall be, and the same is hereby repealed. Rep'ling clause. ☞ See R. Code, 1st vol. p. 364.

CHAP. CV.

An Act authorising Ministers of the Gospel residing in other States to Celebrate the Rites of Marriage within this Commonwealth.

[Passed February 13, 1812.]

1. BE *it enacted by the General Assembly*, That it shall and may be lawful for any ordained minister of the Gospel, in regular communion with any society of Christians residing in any adjoining state, to celebrate the rites of matrimony, according to the forms and customs of the church to which he belongs, between any persons of this state who shall produce a marriage licence pursuant to the directions of the act of Assembly in such case made and provided: *Provided always*, that every such minister shall first produce credentials of his ordination, and also of his being in regular communion with the Christian society of which he is reputed a member, to the court of the county or corporation in which such minister may be required to celebrate such rites, who shall enter into bond with two or more securities being residents of this state in the sum of fifteen hundred dollars, payable to the Governor for the time being, and his successors, conditioned for the true and legal performance of his trust; whereupon such court is hereby required to grant such minister a testimonial in the form prescribed by the act of Assembly regulating the solemnization of marriages: *And provided also*, that nothing herein contained shall be so construed as to authorise any county or corporation court to require any such minister to take the oath of allegiance to this commonwealth. Ministers of the gospel residing in adjoining states authorised to celebrate the rites of matrimony in this state. Proviso. Bond, with two or more securities, to be given; Testimonial to be granted thereupon. Such ministers not to be required to take the oath of allegiance to this commonwealth.

2. This act shall be in force from the passing thereof. Commencement.

CHAP. CVI.

An Act to amend the several Laws concerning Slaves.

[Passed February 14, 1812.]

1. BE *it enacted by the General Assembly*, That all persons now residing within this commonwealth, or who may hereafter remove to the same with a bona fide intention of becoming citizens and inhabitants thereof, who now are, or at the time of his, her, or their removal, may be the owner or owners of any slave or slaves born in any of the United States, or the territories thereof, shall be, and they are hereby authorised to bring into, and hold within this commonwealth, any such slave or slaves: *Provided*, that the said owner or owners shall, within thirty days after such slave or slaves shall have been brought into this commonwealth, exhibit to some justice of the peace of the county, in which he, she or they may then reside, or have removed to, a statement in writing containing the name, age, sex and description of each and every slave so brought in, and shall moreover make oath, or solemn affirmation before such justice that the said statement contains a Under certain regulations, persons residing in this State, or removing thereto, permitted to bring into, and hold therein, slaves of a certain description.

true account of the slaves so brought in; and that the said slave or slaves were not brought into this commonwealth for the purpose of sale, or with intent to evade the laws for preventing the further importation of slaves; and, within sixty days thereafter, return such statement, together with a certificate of the said oath or affirmation, to the court of the same county to be there recorded: *And provided also*, that the said owner or owners shall, within three months after any slave or slaves shall have been so brought into this commonwealth, export a female slave, above the age of ten years, and under the age of thirty, for every slave so as aforesaid imported; and, within the said period, return to the court of said county a statement containing the name, age and description of the slave or slaves so exported, and give satisfactory evidence to the said county court of the performance of the said condition, and make oath that he, she or they have bona fide performed the same: which statement, evidence and oath shall be by the said court entered of record.

Provided that such persons shall *export as many female slaves* above the age of ten years, and under the age of thirty.

Rule, as to proof of such exportation.

☞ See sessions acts of 1805, pa. 35.

2. *Be it further enacted*, That all persons, now residing within this commonwealth, who have brought slaves into the same contrary to the act passed the 25th of January, 1806, entitled, an act to amend the several laws concerning slaves, shall be permitted to retain all and every such slave or slaves; and shall be discharged from all fines, penalties and forfeitures incurred by such importation; upon conforming to the provisions of the foregoing section previous to the first day of January next.

Penalties and forfeitures incurred by breach of the act of Jan. 25th, 1806, remitted to persons conforming to the provisions of this act.

3. *Be it further enacted*, That if any person or persons shall import any slave or slaves into this commonwealth, and fail to comply with the foregoing provisions within the time therein limited, he, she or they shall be subject to all the penalties of the said recited act: *Provided*, that nothing in this act shall be construed to affect the provisions of the act passed the 17th day of January 1811, entitled, an act, to amend the act, entitled, an act to amend the several laws concerning slaves.

Persons failing to comply with the foregoing provisions to be subject to all the said penalties.

Act of Jan. 1811, not to be affected by this act.

☞ See sessions acts of 1810, pa. 15, 16. *ante* p. 74.

4. This act shall be in force from the passing thereof.

Commencement.

CHAP. CVII.

An Act dividing the Militia of the Tenth Brigade into two Brigades.

[Passed January 3, 1812.]

1. BE *it enacted by the General Assembly*, That so much of the act entitled "An act to amend and reduce into one the several acts of the General Assembly, for regulating the Militia of this Commonwealth," as requires that the Counties of Monongalia, Ohio, Brooke, Harrison, Randolph and Wood shall compose one brigade, be, and the same is hereby repealed; and that the said counties of Monongalia, Ohio and Brooke shall hereafter compose the tenth brigade, and the counties of Harrison, Randolph and Wood shall compose a new brigade, and be denominated the twentieth, and to constitute, as heretofore, part of the third division of the militia of this commonwealth.

See Rev'd. Code, 2d vol. p. 40.

The counties of Harrison, Randolph and Wood to compose the 20th brigade.

2. This act shall be in force from the passing thereof.

Commencement.

CHAP. CVIII.

An Act concerning Witnesses.

[Passed February 10, 1812.]

Persons sent without their own contrivance to a grand jury to give evidence of unlawful gaming, not to be prosecuted, on the testimony of any person against whom they shall have given evidence, for any previous act of gaming.

1. BE *it enacted by the General Assembly*, That where any person, without his own contrivance, or procurement, shall be sent as a witness to give evidence concerning unlawful gaming to any grand jury, either at their request, or on the motion of the attorney for the commonwealth, and shall accordingly give evidence of unlawful gaming against any person or persons, it shall not be lawful for the person or persons, against whom such evidence shall have been given, to be thereafter summoned before such grand jury, or any subsequent grand jury, in order to give any evidence against such witness of any unlawful gaming committed by him previous to the time of his being sent to the grand jury as aforesaid: Nor shall any such person or persons so summoned, after evidence given against him or them as aforesaid, be capable in law to give evidence before any grand jury against such witness of any gaming so as aforesaid committed by him.

Confessions of witnesses, in the course of legal examinations, not to be used against them in any criminal prosecution, other than for perjury.

2. *Be it further enacted*, That it shall not be lawful in any criminal prosecution whatever, other than a prosecution for perjury, or in any action founded upon a penal statute, to give in evidence, against the defendant, any confession or statement which he or she may have made in the course of his or her legal examination as a witness before any competent tribunal.

CHAP. CIX.

An Act to amend an Act "to reduce into one the several Acts to prevent unlawful Gaming."

[Passed February 20, 1812.]

Lotteries and raffles prohibited under pain of forfeiture of the whole sum of money proposed to be raised thereby. Such forfeiture to be for the benefit of the literary fund.

1. BE *it enacted by the General Assembly*, That no person, in order to raise money for himself or another, shall publicly or privately put up a lottery, to be drawn or adventured for, or any prize or thing to be raffled or played for: and whosoever shall offend herein shall forfeit the whole sum of money proposed to be raised by such lottery, raffling or playing, to be recovered by action of debt in the name of any person who will sue for the same, or by indictment or information in the name of the commonwealth; in either case, for the use and benefit of the literary fund.

Rep'ling clause.

2. All acts or parts of acts coming within the purview of this act shall be, and are hereby repealed.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. CX.

An Act to amend the Laws respecting Criminal Trials.

[Passed January 30, 1812.]

Provision in the event that a court for examination fails to meet.

1. BE *it enacted by the General Assembly*, That hereafter when any free person charged with a criminal offence shall be committed by any justice of the peace of any county or corporation for examination, and the court summoned by the sheriff for the examination of such free person shall fail to meet either on the day first appointed for their meeting, or on any day to which

they may have legally adjourned, all the recognizances, entered into by any person or persons to appear at such called court, shall stand obligatory to the next court of such county or corporation, and every such person or persons shall be obliged to appear accordingly; such examination shall then be had before the court of the county or corporation, consisting of five members at the least, and shall be at the first term thereof, unless continued as hereinafter provided.

Fourth section of the act of January 24th, 1804, (Rev. Code, 2d vol. page 38.) repealed.

2. *Be it further enacted*, That the fourth section of the act, passed on the 24th of January, 1804, entitled "an act to amend an act entitled an act directing the method of proceeding against free persons charged with certain crimes; directing the mode of proceeding on indictments, informations and prosecutions on penal statutes; and for preventing vexatious and malicious prosecutions and moderating amercements, and for other purposes," be and the same is hereby repealed.

Examining court may adjourn either to the next court in course, or an earlier day.

3. *Be it further enacted*, That any court summoned for the examination of a free person, or for the trial of a slave, charged with any criminal offence, shall have power, for good cause shewn, to adjourn to any subsequent time; provided that such adjournment be either to the next court of the county, or corporation, as the case may be, whether a quarterly or monthly term, or to some earlier day. Upon such adjournment to the next court of the county, or corporation, the examination or trial shall be had in the same manner as if the called court had altogether failed to meet.

Examination or trial may be continued from term to term.

The county or corporation court shall have power, for good cause shewn, to continue such examination or trial from term to term:

Proviso.

Provided, that such continuance, unless on the application of the prisoner, shall not be beyond the third term after he or she shall have been committed for examination or trial.

Superior courts of law to have concurrent jurisdiction with county courts in cases of petit larceny.

4. *Be it further enacted*, That the superior courts of law in each county shall have concurrent jurisdiction with the county and corporation courts in the trial of free persons charged with petit larceny. And where any such person, charged at a quarterly term of the county court with petit larceny, shall, by the grand or petit jury, be deemed guilty of grand larceny, they shall so state the fact:

Course to be taken where person accused of *petit* larceny is deemed guilty of *grand* larceny.

And it shall be the duty of the court to send the person so deemed guilty to the superior court of law of the county for further prosecution; and to do all such other acts as are required by law to be done by an examining court who send a person to be tried to a superior court of law. And the said superior court of law shall proceed against such person in the same manner as if he had been sent for trial by an examining court.

Process upon presentments, indictments, or informations, to be issued to any county or corporation in the commonwealth.

5. *Be it further enacted*, That upon any presentment, indictment or information in any court of record in this commonwealth, the court, wherein the same shall be, may direct all proper process thereon, whether before or after judgment, to the sheriff or other officer of any county or corporation within this commonwealth where the offender may be found. And the sheriff, or other officer, to whom such process shall be directed, is hereby empowered and required to execute the same and make due return thereof to the court from which it issued.

Duty of the officer apprehending the offender.

In any case of treason or felony, where a capias shall be directed to a sheriff or other officer of one county to bring the body of the offender before any court of law in another county, it shall be the duty of such sheriff, or other officer, upon the arrest of such offender, forthwith to deliver his body to such court, if sitting, or to the sheriff or jailor of

such court, during the recess of the court. The said sheriff or jailor shall receive and imprison the person so delivered to him in the same manner as if such person had been committed by a warrant from a justice of the peace, or by the order of the court awarding such capias. The sheriff or other officer, in executing this law, may impress as many men, horses and boats as may be necessary for the safeguard and conveyance of the offender. And the said sheriff or other officer, together with the men so impressed by him, shall have the same compensation for their services and expenses in removing such offender from one county to another as is provided for the sheriff and guard attending a criminal to the Penitentiary by the second and third sections of an act passed the twenty-first of January, 1801, entitled, "an act for paying the expenses of removing criminals from the district jails to the penitentiary house, and for other purposes." The auditor of public accounts is hereby authorised and required to issue a warrant on the treasury, for the payment of the compensation hereby provided, on the production of a certificate, from the court awarding such capias, ascertaining the quantum of such service rendered and the amount of such expenses incurred.

Power to impress men, horses and boats.

Compensation to be made for such impressments.

See R. Code, 1st vol. p. 410.

6. All acts and parts of acts within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

7. This act shall commence and be in force from and after the first day of April next.

Commencement.

CHAP. CXI.

An Act to amend an Act, entitled "An Act to punish certain Thefts and Forgeries."

[Passed February 13, 1812.]

1. BE *it enacted by the General Assembly*, That if any slave shall steal, or take by robbery, any bank or post note, then every such slave, being thereof duly convicted, shall be sentenced to suffer in the same manner as if he or she had been convicted of stealing or taking, by robbery, any other goods and chattels, in value, to the amount of such bank or post note.

Punishment of a slave stealing, or taking by robbery, any bank or post note.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. CXII.

An Act concerning Forfeitures in cases of Suicide.

[Passed February 20, 1812.]

1. BE *it enacted by the General Assembly*, That no forfeiture whatever shall accrue to the commonwealth, in consequence of any suicide. And the estate, whether real or personal, of every person, who shall hereafter destroy his or her own life, or who may, heretofore, have destroyed his or her own life, shall pass to the heirs, devisees, legatees or distributees of such person, in the same manner as if he or she had died from any other cause: *Provided*, That nothing herein contained shall be so construed as to affect any estate whatever, on which an office may have been already found in favor of the commonwealth.

All forfeitures in consequence of suicide abolished; & estates real or personal to pass to heirs, devisees, legatees or distributees as in case of death from any other cause.

Proviso.

2. This act shall be in force from the passing thereof.

Commencement.

CHAP. CXIII.

An Act to Incorporate a Company for the purpose of cutting a Navigable Canal from Roanoke River to Meherrin River, and from the waters of Chowan River in North Carolina, to some of the waters of James River in this State, or to the Dismal Swamp Canal.

[Passed January 31, 1812.]

Preamble, setting forth the great importance of the proposed undertaking.

WHEREAS the opening of a navigable canal from Roanoke river to Meherrin river, and from the waters of Chowan river in the State of North Carolina, to some of the waters of James river in this State, or to the Dismal Swamp Canal, so as to form, by the most practicable plan, a water communication between the said river Roanoke, and James river, or the Dismal Swamp Canal, is an object of great importance to the interior commerce of a large portion of this state and North Carolina; and many persons in both States are willing to subscribe large sums of money for the purpose of effecting those beneficial works; and it is just and proper that they, their heirs and assigns, should be empowered to receive reasonable tolls in satisfaction for the money advanced by them in carrying the said works into execution, and the risk they run;

Appointment of commissioners to wait on the general assembly of North Carolina, and to enter into reasonable stipulations on the subject;

And whereas by a resolution of Virginia in General Assembly, passed on the thirteenth day of February, one thousand eight hundred and eleven, eleven commissioners were appointed, any three of whom were empowered to wait on the general assembly of North Carolina, to enter into reasonable stipulations relative to opening the canals aforesaid; subject however to the approval, alteration or rejection of the respective legislatures of this state and North Carolina; and Peachey, R. Gilmer, George Tucker, and Isaac H. Coles, esquires, three of the said commissioners, have accordingly attended the general assembly of North Carolina; and on a conference with the said gentlemen, by a joint committee of the Senate and House of Commons, the following stipulations have been mutually agreed upon and approved by the said commissioners, on the part of Virginia, and by the said committee of both houses of North Carolina to, wit:

and stipulations mutually agreed upon by them and a committee of the legislature of North Carolina.

1. No restriction or impost to be laid on commodities, of the growth, &c. of N. Carolina brought through the canals for sale or exportation; and the same may be sold without re-inspection.

First—The State of Virginia agrees that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the state of North Carolina, brought thro' the said canals, or either of them, for sale or exportation, and that the same may be sold without re-inspection.

2. Waters of Roanoke, &c. in Virginia to be a common highway for the use of vessels belonging to North Carolina.

Secondly—The state of Virginia agrees, that the waters of Roanoke river, and all its branches, and all other waters communicating with the Albemarle Sound, as far as the same are in Virginia, shall be forever considered as a common highway, free for the use and navigation of vessels belonging to the state of North Carolina or any of its citizens; and that they shall not be therein subject to the payment of any toll or charge whatever imposed for the purpose of raising revenue.

3. Waters of Roanoke, &c. in N. Carolina, to be a common highway, for the use of vessels belonging to Virginia.

Thirdly—The state of North Carolina agrees, that the waters of Roanoke river, and all it's branches above the place from which with the canal shall be cut, and all the other waters communicating Albemarle Sound, as far as the same shall form a part of the said navigation proposed to be opened by this act, and are in North Carolina, shall be forever considered as a common highway, free for the use and navigation of vessels belonging to the state of Virginia, or any of its citizens; and that they shall not be therein

subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue.

Fourthly—The state of North Carolina agrees that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the state of Virginia, passing through the aforesaid waters, or any of them, to the said canals, or through the said canals or either of them, for sale or exportation; and that the same may be sold or exported without re-inspection.

4. No restriction or impost to be laid on commodities of the growth &c. of Virginia, passing thro' the said waters to the canals, or thro' the canals, for sale or exportation; and the same may be sold or exported without re-inspection. But tolls for the purpose of improving navigation may be imposed.

In those articles where it is expressed, that no duty or impost is to be laid for the purpose of raising revenue, it is not to be understood that the imposition of tolls, for the purpose of improving the navigation of the said waters, is prevented.

The said states agree to appoint, each, three commissioners, who shall have power and authority to employ an engineer, or some person of competent skill and ability, to survey the country thro' which it may be necessary to conduct the navigation, under the direction of the said commissioners, or a majority of them; and to lay before them plans and sections of the different routes, and estimates, in detail, of the different parts of the several works; upon which the said commissioners or a majority of them shall have power and authority to determine on that route, which, all things considered, shall be deemed most eligible; and for the purpose of compensating the said engineer, and publishing the before mentioned plans and estimates, the said commissioners may receive such sums of money, as individuals may be disposed to advance, towards defraying the expense of employing an engineer, and publishing a report and estimates, to be repaid out of the first subscriptions to the Roanoke Canal Company; and the receipt of the said commissioners or their agents shall be considered as a payment of the amount therein mentioned towards a share or shares, which the holder of such receipt may have subscribed.

5. Three commissioners to be appointed by each state to employ an engineer to survey the country through which it may be necessary to conduct the navigation; and upon his report to determine the most eligible route.

Money may be received of individuals to compensate such engineer; to be repaid out of the first subscriptions to the Roanoke canal company.

Sixthly—As soon as the before mentioned commissioners have determined on the most eligible route, for the proposed canals, and have ascertained their probable cost, the amount of the said cost, shall be divided into shares of one hundred dollars each; and the said commissioners or a majority of them, shall have power and authority to apportion the said shares among the counties of Patrick, Henry, Pittsylvania, Halifax, Mecklenburg, Brunswick, Greensville, Southampton, Nansemond, Botetourt, Bedford, Franklin, Campbell and Charlotte, and the Borough of Norfolk, in the state of Virginia; and the counties of Surry, Stokes, Rockingham, Caswell, Person, Granville, Warren, Halifax, Northampton, Hertford, Bertie and Gates in the state of North Carolina, making the said apportionment as near as may be, according to their respective distances from market and population: *Provided*, that no citizen of one county shall be precluded from subscribing in any other county, nor a citizen of one state from subscribing in the other.

6. When the route is determined and probable cost ascertained, the amount to be divided into shares of $ 100 each: the same to be apportioned among certain counties in Virginia and N. Carolina. Proviso.

Seventhly—And the said states agree, that they will pass laws prohibiting under reasonable penalties their respective citizens from impeding in any manner, the navigation of the river Roanoke and Dan, and that there shall be a free unobstructed channel left throughout the whole course of the said rivers in the deepest part of the same, not less than thirty feet wide.

7. Laws to be passed in both states to prevent impediments in the navigation of Roanoke & Dan.

Lastly—The citizens of each of the said two states may have the use of the inspections of the other, for the purpose of re-inspec-

8. Citizens of each state to have

the use of the inspections of the other, for the purpose of re-inspecting damaged commodities; on paying for the labour of re-inspection.

ting any damaged commodities which have passed through the said canals or either of them, on paying the price of the labour of re-inspection, and no more.

And whereas this General Assembly are of opinion that the said stipulations are made upon just and mutual principles of the interest of both states;

Ratification of those stipulations.

1. *Be it therefore enacted*, That the said stipulations are hereby approved, confirmed and ratified, by the General Assembly of the state of Virginia: and that every part thereof shall be obligatory on this state, and the citizens thereof, and shall be forever faithfully and inviolably preserved and kept by this government and all its citizens, according to the true intent and meaning thereof.

Books, for receiving subscriptions, to be opened in certain counties and the borough of Norfolk; under the management of certain persons.

2. *And be it further enacted*, by the general assembly of the state of Virginia, and it is hereby enacted by the authority of the same, that it shall and may be lawful to open books in the counties of Patrick, Henry, Pittsylvania, Halifax, Mecklenburg, Brunswick, Greensville, Southampton, Botetourt, Bedford, Franklin, Campbell and Charlotte, and the borough of Norfolk, under the management of the following persons, to wit:

In Patrick, under the management of John Hughes,
In Henry, under the management of Peachey R. Gilmore,
In Pittsylvania, under the management of Nathaniel Wilson,
In Halifax, under the management of Isaac H. Coles,
In Mecklenburg, under the management of Alexander Boyd,
In Brunswick, under the management of John B. Rice,
In Greensville, under the management of Williamson Bonner,
In Southampton, under the management of James Gee,
In Botetourt, under the management of William Blane,
In Bedford, under the management of James Leftwich,
In Franklin, under the management of Peter Saunders, jr.
In Campbell, under the management of Samuel Pannell,
In Charlotte, under the management of William L. Morton,
And in the Borough of Norfolk, under the management of George Newton;

And under the management of the persons in the before mentioned counties in the state of North Carolina, who are already appointed by the Legislature of that state; for the receiving and entering subscriptions to the amount proposed to be raised by the commissioners for the purpose of accomplishing the said canals; which subscriptions shall be made personally, or by a power of attorney.

Subscriptions to be made personally, or by attorney.

At what times & places such books are to be opened: to continue open two years, unless the subscription be sooner filled.

That the said books shall be opened for receiving subscriptions, at such times and places within the several counties, as the Commissioners, or a majority of them, shall appoint, and continue open for the term of two years, unless the subscription shall be sooner filled up; and at the expiration of the said term, or so soon as the subscriptions shall be filled up, there shall be a general meeting of the subscribers at Williamsborough, in the state of North Carolina, of which meeting notice shall be given by the said managers, or any three of them, in the Gazettes of both the aforesaid states, at least one month before the said meeting; and such meeting shall and may be continued from day to day until the business is finished: And the acting managers shall, at the time and place aforesaid, lay before such of the subscribers as shall meet, according to the said notice, the books by them respectively kept, containing the state of the said subscription; and if one half of the capital sum aforesaid should on examination appear not to have been

First general meeting of the subscribers, when and where to be held.

Books to be laid before such meeting.

subsbribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency; and a just and true list of all the subscriptions, with the sums subscribed by each, shall be made out, and returned by the said managers, or any four or more of them under their hands into the superior court of law for the county of Mecklenburg, to be there recorded. And in case more than the sum required to be raised, shall be subscribed, then the same shall be reduced to that sum by the said managers, or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions, under the largest, and above one share, until the sum is reduced to the amount of the capital proposed, or until a share is taken from all subscriptions above one share; and lots shall be drawn between subscribers of equal sums, to determine the numbers in which such subscribers shall stand, on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule until the sum subscribed is reduced to the capital aforesaid, or until all the subscribers are reduced to one share; and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded, to reduce the subscription to the capital aforesaid; which striking off shall be certified in the list aforesaid; and the said capital sum shall be reckoned and divided into such number of shares, at one hundred dollars each as shall be determined on by the commissioners aforesaid; of which every person subscribing may take or subscribe for one or more whole shares, and not otherwise: *Provided*, that unless one half of the capital shall be subscribed, all subscriptions made in consequence of this act shall be void; and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid, until the deficiency shall be made up; a certificate of which additional subscriptions shall be made under the hands of the president and directors, or a majority of them for the time being, and returned to, and recorded in the courts aforesaid.

List of subscriptions to be recorded in the superior court of Mecklenburg county.

If more than the capital be subscribed, how subscription to be reduced.

Subscribers to take one or more *whole* shares, and not otherwise.

If one half of the capital be not subscribed, all subscriptions to be void.

If one half and less than the whole be subscribed, additional subscriptions to be received.

Lists of such additional subscriptions to be also recorded.

3. *And be it further enacted*, That in case one half of the said capital, or a greater sum shall be subscribed as aforesaid, the said subscribers and their heirs and assigns, from the time of their said first meeting, shall be and they are hereby declared to be incorporated into a company by the name of the Roanoke Canal Company, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, for conducting the said undertaking and managing all the said company's business and concerns for and during such term, not exceeding one year, as the said subscribers, or a majority of them shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company—and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote or act as proxy for him or her in any general meeting.

Subscribers to be incorporated by the name of the Roanoke Canal Company.

To elect a president and four directors.

Manner of voting at general meetings.

Proxies, how to be appointed.

Powers of the president and directors; to make contracts;

4. *And be it enacted*, That the said president and directors so elected, and their successors, or a majority of them assembled, shall have power and authority, to agree with any person or persons on behalf of the said company, to cut the said canal and to erect such locks, and to perform such other works as they shall judge necessary for the navigation of the said canal, and carrying on the same from place to place, and from time to time, and upon such terms, and in such manner, as they shall think fit; and out of the money arising from the subscriptions and tolls to pay for the same, and to repair and keep in order the said canal, locks and other works necessary thereto, and to defray all incidental charges: and also to appoint a treasurer and clerk, and such other officers, toll gatherers, managers and servants as they shall judge requisite; and to agree for, and settle their respective wages or allowances; and settle, pass and sign their accounts; and also to make and establish rules of proceeding, and transact all the other business and concerns of the said company in and during the intervals between the general meetings of the same; and they shall be allowed, as a satisfaction for their trouble therein, such sum of money, as shall by a general meeting of the subscribers be determined: *Provided always*, that the treasurer shall give bond in such penalty and such security, as the said president and directors, or a majority of them, shall direct for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him shall not exceed three dollars in the hundred, for the disbursements by him made; and that no officer in the said company, shall have a vote in the settlement or passing of his own account.

to appoint a treasurer and clerk, &c.

To settle their wages, and accounts.

To establish rules of proceeding.

And transact all other business of the company during the intervals between its general meetings.

Compensation to be made them.

Treasurer to give bond and security.

Not to receive more than 3 per cent. for disbursements.

No officer to have a vote in the settlement of his own account.

5. *And be it further enacted*, That the said president and directors, and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed; which orders shall be advertised at least one month in the North Carolina and Virginia Gazettes: And they are hereby authorised and empowered to demand and receive of the several proprietors from time to time the sums of money so ordered to be advanced, for the carrying on and executing or repairing and keeping in order the said works, until the sums subscribed shall be fully paid; and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and laid out, as the said president and directors, or a majority of them, shall order and direct; and if any of the said proprietors shall refuse or neglect to pay their said proportions within one month after the same is so ordered and advertised as aforesaid, the said president and directors, or a majority of them, may sell at auction and convey to the purchaser the share or shares of such proprietors so refusing or neglecting payment; giving at least one month's notice of the sale in the North Carolina and Virginia Gazettes; and after retaining the sum due and charges of sale, out of the money produced thereby, they shall refund and pay the overplus (if any) to the former owners; and if such sale should not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said president and directors, or a majority of them, may in the name of the company sue and recover the balance by motion, on ten days previous notice; and the said purchaser or purchasers, shall be subject to the same rules and regulations, as if the said sale or conveyance had been made by the

Power of the president and directors to make orders calling on the subscribers for advances of money.

Shares of delinquent subscribers to be sold.

After satisfying the sum due and charges of sale, the overplus (if any) to be refunded to the former owners.

If such sale should not produce the sum required, the bal-

original proprietor. And to continue the succession of the said president and directors, and to keep up the same number,

lance recoverable by motion.

6. *Be it enacted by the authority aforesaid*, That from time to time, on the expiration of the term for which the said president and directors were appointed, the proprietors of the said company, at the next general meeting, shall either continue the said president and directors, or any of them, or shall choose others in their stead; and in case of the death, removal, resignation or incapacity of the president or any of the directors, may and shall in manner aforesaid, elect any other person or persons to be president and directors, in room of him or them so dying, removing, resigning or becoming incapable of acting; and may at any of their general meetings, remove the president or any of the directors, and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

Method of continuing the succession of the president and directors.

Vacancies, how to be supplied.

President, &c. removable from office by the company.

7. *And be it enacted*, That every president and director before he acts as such shall take an oath or affirmation for the due execution of his office.

Oath or affirmation to be taken by the president and directors.

8. *And be it further enacted*, That the presence of proprietors having a majority of shares shall be necessary to constitute a general meeting, and that from and after the first meeting of the subscribers, the general meetings shall be held on the first Monday in May in every year, at such convenient places as shall from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, until a general meeting of proprietors shall be had, which may be continued from day to day, until the business of the company is finished; to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings; and on finding them fairly and justly stated, the proprietors then present or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly general meeting, after leaving in the hands of the treasurer such sum as the proprietors or a majority of them shall judge necessary, for repairs and contingent expenses, an equal dividend of all the nett profits arising from the tolls hereby granted shall be ordered and made to the proprietors of the said company, in proportion to their several shares; and on any emergency in the interval between the said yearly meetings, the president or a majority of the directors may appoint a general meeting of the proprietors of the company at any convenient place, giving at least one month's previous notice in the North Carolina and Virginia Gazettes, which meeting may be adjourned and continued as aforesaid.

What number of proprietors shall constitute a general meeting.

Annual general meetings, when and where to be held.

May be adjourned from day to day.

Report and accounts to be rendered to such meetings.

Dividends of nett profits to be ordered and made at such meetings.

General meetings may be called on any emergency in the intervals between annual meetings.

9. *And be it enacted*, That for and in consideration of the expences the said proprietors will be at, not only in cutting the said canals, erecting locks and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canals, locks, and other works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs and assigns for one hundred and ninety-nine years, to be computed from the completion of the said work, as tenants in common, in proportion to their respective shares; and for the said term of one hundred and ninety-nine years, shall be exempt from the payment of any tax, imposition or assessment whatsoever: and

Canals, & works, with all their profits, to be vested in the proprietors, their heirs and assigns, for 199 years, as tenants in common;

and for that term to be exempt from any tax.

it shall and may be lawful for the said president and directors respectively, and at all times, for the term aforesaid, to demand and receive at some convenient place, near one of the extremities of the said canals, for all commodities transported through them, tolls according to the following table and rates, viz:

Rates of tolls.

	Rates of toll for the Roanoke Canal.	Rates of toll for the Chowan Canal.
	cents.	*cents.*
Every pipe or hogshead of wine containing more than sixty-five gallons	75	50
Every hogshead of rum or other spirits,	50	40
Every hogshead of tobacco,	42	33
Every hogshead of molasses,	33	25
Every hogshead or butt of malt liquor,	33	25
Every cask between sixty-five and thirty-five gallons, one half of a pipe or hogshead; every barrel, one fourth part; and every smaller cask or keg in proportion to the quantity or quality of their contents;—		
Every dozen bottled wine,	2	1 3/5
Every dozen bottled malt liquor,	2	1 3/5
Every bushel of wheat, peas, beans, rice or flax seed,	1 1/5	1
Every bushel indian corn or other grain or salt,	1 1/5	1
Every barrel of pork,	12 1/5	8 1/5
Every barrel of beef,	8 1/5	5 2/5
Every barrel of fish,	8	6
Every barrel of flour,	12 1/5	8 1/5
Every barrel of tar, pitch, turpentine or rosin,	5	3
Every cask of linseed oil, or spirits of turpentine, the same as molasses;		
Every ton of hemp, flax, potash or bar iron,	75	50
Every ton of pig iron or castings,	25	17
Every ton of copper, lead or other ore, other than iron,	50	40
Every ton of stone, or iron ore other than the ballast of the vessel,	12 1/5	8 1/5
Every chaldron of coals,	17	12 1/5
Every hundred bushels of lime or shells,	33	25
Every thousand bricks or tile,	50	40
Every hundred pipe staves,	12 1/5	8 1/5
Every hundred hogshead staves or pipe or hogshead heading,	8	6
Every hundred of barrel staves or barrel heading,	6	4
Every thousand shingles from eighteen to twenty-four inches,	8	6
Every thousand three feet shingles,	17	12 1/5
Every thousand clap boards or pales,	17	12 1/5
Every cord of fire wood,	8	6
Every hundred cubic feet of plank or scantling,	75	50

	Rates of toll for the Roanoke Canal.	Rates of toll for the Chowan Canal.
	cents.	*cents.*
Every hundred cubic feet of all other timber,	63	42
Every hundred weight of brown or clayed sugar,	8¼	5½
All other produce, goods, wares or merchandize, one fourth of one per cent.		
Every boat or vessel exceeding one ton burthen, which has not commodities on board to yield so much, except an empty vessel or boat returning whose load has already paid toll, in which case, she is to re-pass free of toll,	80	55¼
Every canoe, boat or vessel, under one ton burthen, which has not commodities on board to yield so much, except as in the preceding article excepted,	33	25
Every hundred weight of indigo,	75	17

And in case of refusal to pay the tolls, at the time of offering to pass the places aforesaid, and previous to passing the same, the collectors respectively may lawfully refuse passage to whoever refuses payment; and if any vessel shall pass without paying the toll, then the said collectors respectively may lawfully seize such vessel and sell the same at auction for ready money, advertising the said sale previously one month; the money arising from which, so far as it is necessary, shall be applied towards paying the said tolls, and all expenses of seizure and sale; and the balance if any shall be paid to the owner; and the person having the direction of such vessel shall be liable for such tolls, if the same are not paid by the sale aforesad.

Regulation, in case of refusal to pay the tolls.

Vessel passing without paying toll may be seized and sold at auction for ready money.

Surplus of sale to be paid to the owner; and deficiency to be made good by the person having the direction of such vessel.

10. *And be it further enacted*, That as soon as the said company shall have so far completed their works, as that the canals are ready for the transportation of produce, they shall advertise the same in four of the public prints of this state; and the legislature may, within twenty five years thereafter, and once in every twenty-five years thereafter, alter the rates of toll hereby established: *Provided*, that the legislature shall not at any time reduce the rate of tollage, unless the profits arising from it shall exceed fifteen per cent. upon the capital stock: *Provided further*, that the legislature of North Carolina shall consent thereto.

Completion of the works to be advertised.

Tolls may be altered by the Legislature, with the assent of N. Carolina, once in every 25 years: but profits not to be less than 15 per cent. upon the capital stock.

11. *And be it further enacted*, That the president and directors of the said canal company shall, every twenty-fifth year, after the works are completed, and their canals ready for the transportation of produce, make return to the general assembly of this state, and to the general assembly of the state of North Carolina, of the amount of toll received by them for the preceding year, which return shall be sworn to, before some one of the judges of the superior courts of this state, and the state of North Carolina, or in open court, in some one of the courts of record of this state, and of pleas and quarter session of the state of North Carolina.

Accounts to be rendered every 25th year to the Legislatures of both states by the president and directors, on oath.

Canals and works when completed to be public highways, subject to the tolls imposed by this act. No other toll or tax to be at any time imposed without the consent of both Legislatures.

12. *And be it further enacted*, That the said canals and works to be erected thereon by virtue of this act, when completed, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatsoever, on payment of the tolls imposed by this act; and no other toll or tax whatever, for the use of the water of the said canals and works thereon erected, shall at any time hereafter be imposed without the consent of the legislatures of North Carolina and Virginia.

And whereas it is necessary for the making the said canals, locks and other works, that a provision should be made for condemning a quantity of land for the purpose,

Provision for the condemnation of land for making the canal, locks and works.

13. *Be it therefore enacted*, That it shall and may be lawful, for the said president and directors, or a majority of them, to agree with the owners of any land, through which the said canals are intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, or non compos, or out of the state, on application to any two justices of the county, in which such lands shall lie, the said justices shall issue their warrants, under their hands, to the sheriff of their county, to summon a jury of eighteen inhabitants of his county, of property and reputation, being freeholders, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrants not less than ten, nor more than twenty days thereafter; and the sheriffs receiving the said warrants shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every juryman that shall appear, that he will fairly, truly and impartially value the land (not exceeding the width of ninety feet) and all damages the owner or owners thereof shall sustain by cutting the said canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person, through favor or affection, nor any person grieve through malice, hatred or ill-will. And the inquisition thereon taken, shall be signed by the sheriff, and some twelve or more of the jury, and returned by the sheriff to the clerk of the county to be by him recorded. And on every such valuation, the jury is hereby directed to describe and ascertain the bounds of the lands by them valued, and the valuation shall be conclusive on all persons, and shall be paid by the said president and directors respectively to the owner of the land or his legal representatives; and on payment thereof, the said companies shall be seized of such lands, as if conveyed by the owner to them and their successors, by legal conveyance, until the completion of the said works, and thenceforward for the term of one hundred and ninety-nine years; and after the expiration of this term, the said land, together with all the messuages, tenements and appurtenances shall revert to the states of North Carolina and Virginia respectively, in which the same may lie: *Provided nevertheless*, that if any future damage shall arise to any proprietor of land, in consequence of opening such canals, or erecting such works than had been before considered and valued, it shall and may be lawful for such proprietor, as often as such new damage may arise or happen, by application to, and a warrant from any two justices of the county, where the land lies, to have further damages valued in like manner, and to receive and recover the same of the said president and directors. But nothing herein shall be taken

Jury to be summoned on warrants from two justices of the peace.

Proceedings thereupon.

Jury directed to describe and ascertain the bounds of the lands valued.

Such lands at the end of 199 years to revert to the states respectively in which they lie.

Future damage not considered or valued by such jury to be recovered by a new inquest in like manner.

Proviso.

or construed to entitle the proprietor of any such lands to recover compensation for any damages which may happen to any mills, or other works or improvements which shall be begun or erected by such proprietor after such valuation, unless the said damage is wilfully and maliciously done by the said president and directors, or some person by their authority.

A quantity of land not exceeding one acre for each canal, may be obtained, for necessary buildings in like manner.

14. *And be it further enacted*, That the said president and directors, or a majority of them, are hereby authorised to agree with the proprietor or proprietors, for the purchase of a quantity of land, not exceeding one acre for each canal, at or near the receipt of the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement, or any of the disabilities aforesaid, or the proprietor being out of the state, then such lands may be valued, condemned and paid for as aforesaid; and the said company shall on payment of the valuation of the said land be seized thereof as aforesaid.

Provision for cases where it may be convenient to erect mills and other water works on places thro' which it may be necessary to conduct the said canals.

And whereas some of the places through which it may be necessary to conduct the said canals may be convenient for erecting mills and other water works, and the persons possessors of such situations may design to improve the same; and it is not the intention of this act to interfere with private property, but for the purpose of improving and perfecting the said navigation;

15. *Be it therefore enacted*, That the waters or any part thereof conveyed through the said canals, shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water works aforesaid: in which case the said president and directors are hereby empowered and directed to enter into reasonable agreements with the proprietors of such situations, concerning the just proportion of the expenses of making the canals capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works aforesaid.

Mode of transferring shares in the company.

16. *And be it also enacted*, That it shall and may be lawful for any of the said proprietors to transfer his share or shares, by deed executed before two witnesses, and registered, after proof of the execution thereof, in the said company's books: and not otherwise, except by devise, which devise shall also be exhibited to the said president and directors of the company in which the share is held and registered in their books, before the devisee or devisees shall be entitled to draw any part of the profits arising from the said tolls; *Provided*, that no transfer whatever shall be made, except for one or more whole share or shares, and not for part of such shares; and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit, or in the name of another, whereby the said president and directors, or proprietors, members of the said company, or any of them, shall or may be challenged or made to answer any such trust; but that every such person appearing as aforesaid, to be a proprietor, shall, as to the others of the said company, be to every intent taken as such: But between any trustee, and the person for whose benefit any trust shall be created, the common rule may be pursued.

No transfer to be made but for one or more *whole* shares.

Transfer *in trust* not to affect the company;

but be binding between the parties.

Capital may be increased, if insufficient.

17. *Be it enacted*, That if the said capital fixed upon by the commissioners as aforesaid shall prove insufficient, it shall and may be lawful for the said company from time to time, to increase their respective capitals by the addition of so many whole shares, as shall be judged necessary by the proprietors members of such company, or a majority of them, who shall be present at any gen-

Books, how, when and where to be opened for increase of capital.

Proprietors for the time being to have preference in the new subscription.

Rules to be observed therein.

eral meeting. And the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the North Carolina and Virginia Gazettes, to open books at the before mentioned places for receiving and entering such additional subscriptions; in which the proprietors for the time being shall and are hereby declared to have the preference of all others, for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose. And the said president and directors are hereby required to observe in all other respects the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions; and in like manner to return, under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the courts aforesaid, to be there recorded; and all proprietors of such additional sums shall and are hereby declared to be from thenceforward incorporated into the said company.

Commissioners appointed to employ the engineer.

Vacancy occurring among such commissioners to be supplied by the Executive.

18. *And it is further enacted*, That Alexander S. Field, of Mecklenburg county, William E. Brodnax, of Brunswick county, and George Newton, of the borough of Norfolk, esquires, are hereby appointed commissioners, to act with the commissioners appointed, or who may be appointed by the state of North Carolina, to contract with an engineer; and in case of the death or removal of any of the above named commissioners, the vacancy shall be supplied by the appointment of the executive.

Canals to be made twenty feet wide, and navigable in dry seasons by vessels drawing three feet water, with sufficient locks where necessary.

19. *And it is hereby declared and enacted*, That the tolls herein before allowed to be demanded and received, are granted and shall be paid on condition only, that the said company shall make the respective canals each twenty feet wide, and of such depth below the surface of the earth as will render them navigable in dry seasons by vessels drawing three feet water, with sufficient locks where the same shall be necessary.

Events in which the right of the company may be forfeited.

Proviso.

20. *And it is hereby enacted and provided*, That in case the said company shall not begin the said works in one year from and after the closing of their books for receiving subscriptions; or if the said company shall not complete the navigation and works as aforesaid, within ten years after closing the said books, then shall all the interest of the said company so failing, and all preference in its favor as to the navigation and tolls of the canal, to be opened by it as aforesaid, be forfeited and cease. *Provided*, that if the said company shall at the expiration of the said ten years have completed two thirds of the said canal, they shall have a further time of three years for finishing the same.

Rep'ling clause.

21. Every part or parts of any acts of Assembly, which come within the purview and meaning of this act, shall be and the same are hereby repealed.

Commencement.

22. This act shall commence and be in force from and after the passing thereof.

Faith and honor of the state of Virginia pledged that this act shall never be repealed or altered without the consent of N. Carolina.

23. And the faith and honor of this state are hereby solemnly pledged and engaged to the General Assembly of the state of North Carolina, and the government and citizens thereof, that this law shall never be repealed or altered by the Legislature of this state, without the consent of the state of North Carolina.

CHAP. CXIV.

An Act authorising the Treasurer of this Commonwealth to subscribe for Shares in the Roanoke Canal Company.

[Passed February 14, 1812.]

Treasurer to subscribe, on behalf of the commonwealth, for two hundred shares;

and to vote, on such shares, in person, or by proxy.

1. BE *it enacted by the General Assembly*, That the Treasurer of this commonwealth shall be authorised and directed to subscribe to the amount of two hundred shares in the Roanoke Canal Company, in behalf of the same, as soon as books shall be opened for that purpose; and the money necessary in consequence of such subscription shall be paid as the same shall be required: and the treasurer for the time being shall have a right to vote according to such shares, in person or by proxy appointed by him, and shall receive the proportion of tolls aforesaid which shall from time to time become due for the shares aforesaid.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. CXV.

An Act loaning a sum of Money to Alexander S. Field and others for certain purposes.

[Passed February 14, 1812.]

Preamble, reciting the purpose for which a sum of money is to be lent to Alexander S. Field & others;

and the manner in which the same is to be repaid.

WHEREAS, by an act passed the present session of the General Assembly, entitled "an act to incorporate a company for the purpose of cutting a navigable canal from Roanoke river to Meherrin river, and from the waters of Chowan river in North Carolina, to some of the waters of James river in this state, or to the Dismal Swamp Canal," Alexander S. Field, William Edward Brodnax and George Newton are appointed commissioners on the part of this state, to act jointly with commissioners appointed on the part of the state of North Carolina, for the purpose of employing an engineeer to ascertain the best route for the said canals; and whereas it is represented that it would be proper for this state to advance to the said commissioners a sufficient sum of money to enable them to defray the expense to be incurred by them in thus ascertaining the said route; and that the sum thus advanced should be considered as so much paid towards any shares which may be subscribed for by the State in the said company, or that it should be repaid to the State by the president and directors of the said company, out of the first money arising from subscriptions for shares in the said company;

A sum not exceeding two thousand dollars directed to be advanced.

1. *Be it it therefore enacted*, That it shall be lawful for the Auditor of Public Accounts, and he is hereby authorised and required, to issue a warrant or warrants in favor of the said commissioners, for any sum not exceeding two thousand dollars, for the purposes aforesaid, which shall be paid out of any money in the treasury.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

[☞ *The following Acts were omitted in their proper places, the publisher having not observed that they contained sections of a generally interesting nature.*]

CHAP. CXVI.

An Act concerning David Castleman and William Stubblefield, and for other purposes.

[Passed January 11, 1809.]

Allowance to D. Castleman & W. Stubblefield.

1. BE *it enacted by the General Assembly*, That David Castleman and William Stubblefield, are hereby entitled to the sum of twenty-three dollars eight cents, for money actually expended by them in guarding and carrying a lunatic to the Williamsburg hospital, and back again to the county of Frederick, and the auditor of public accounts is authorised and required to issue a warrant or warrants to the said David Castleman and William Stubblefield, or either of them, for the sum aforesaid, on the public treasury, to be paid out of any monies therein.

Provision for persons carrying lunatics, &c. to the hospital, who are not received

2. *And be it further enacted*, That in future officers and guards conducting ideots and lunatics from their respective counties to the hospital at Williamsburg, and from the hospital back to their respective counties, in cases in which a court of directors of the said hospital shall refuse to receive such ideot or lunatic, shall be entitled to eight cents per mile each, for their services in going to and returning from the said hospital, and the like sum per mile for each ideot or lunatic so conducted, besides their ferriages; which sum shall be taken and deemed to be inclusive of all expenses and charges, to be certified and paid in the manner provided by the act, entitled, an act "reducing into one the several acts, making provision for the restraint, support and maintenance of ideots and lunatics, and the preservation and management of their estates," and by the act passed the sixth day of January, in the year one thousand eight hundred and seven, entitled an act "concerning ideots and lunatics;" and shall be reimbursed in the manner provided by the first recited act aforesaid, out of the estate of such ideot or lunatic, if any he or she hath: *Provided*, such person or persons shall be found insane by the said court of directors.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. CXVII.

An Act concerning Susanna Rowell, administratrix of Isaac Rowell, deceased, and for other purposes.

[Passed January 17, 1811.]

I. Rowell's administratrix allowed 60 dollars for his services as a commissioner of the revenue in Greensville county.

1. BE *it enacted by the General Assembly*, That Susanna Rowell, administratrix of Isaac Rowell, deceased, shall be, and she is hereby entitled to receive from the public treasury sixty dollars as a reward for the services of her deceased husband, who was appointed commissioner of the revenue for the county of Greensville, in the month of September, one thousand eight hundred and nine, and died without receiving any compensation, just before he had completed his list of taxable property; and the auditor of public accounts is authorised and required to issue a warrant for the same to the aforesaid Susanna Rowell or her representatives, to be paid out of any money therein.

2. *And be it further enacted*, That whenever the commissioner of the revenue in any county shall have proceeded to take the list of taxable property, and discharge other duties appertaining to his office, and shall die before the same be accomplished, and previous to the day on which by law he is to make a return of his books, the court of the county wherein he was commissioner shall at their next term appoint a successor, whose duty it shall be to proceed to finish the list begun by the former commissioner. And upon the completion of the same the court shall apportion the sum which is by law allowed, between the commissioner then acting and the representatives of the de eased commissioner, according to the services respectively rendered.

Where any commissioner of revenue shall have taken the list of taxable property; and shall die before the return day of his books; compensation to be apportioned.

3. *And be it further enacted*, That it shall be the duty of the commissioner, who has been appointed to complete the list of taxable property, to make application to the person, in whose possession the unfinished list of taxable property, taken by the deceased commissioner, may be, for the same. And, in case the said unfinished list should not be delivered to the commissioner on application, then, and in that case, he shall proceed to take the list of taxable property as if there had been no previous commissioner, and shall alone be entitled to the allowance made by law.

Commissioner appointed to complete the list may apply for it; and, if it be not delivered to him, shall make out new list and be entitled to the whole compensation.

4. This act shall be in force from the passing thereof.

Commencement.

RESOLUTIONS.

No. I.

Resolution relating to the Defence of the Eastern Part of this Commonwealth.

[Agreed to by both Houses, February 3, 1809.]

THE committee appointed by the House of Delegates, to take under consideration a communication from the Governor, relating to the defence of the eastern part of this state, have according to order, examined the subject to them referred, and have agreed to the following resolution:

RESOLVED, As the opinion of this committee, that the Representatives of this state in Congress, be requested, and the Senators instructed, to use all proper means to induce the Federal Government to erect and establish all necessary fortifications on the eastern part of this state, and particularly, to build a fort on Craney-Island, in Elizabeth river.

No. II.

Resolution proposing an Amendment to the Act of Congress establishing the Judicial Courts of the United States.

[Agreed to by both Houses, February 4, 1809.]

RESOLVED, That our Senators in Congress be instructed, and that our Representatives therein be requested, to use their endeavors to procure an amendment to the act, passed at the first session of the first Congress of the United States, entitled "An act, to establish the Judicial courts of the United States," whereby the circuit and district courts of the United States, shall be subjected

to, and be regulated by the laws of the several states in which they shall be held, which are now in existence, or may hereafter be enacted, regulating the issuing of process, the proceedings thereon, or the suspension thereof: *Provided*, the same shall not apply to process on behalf of the United States.

No. III.

Farewell Address to Thomas Jefferson, President of the United States, and Resolution relative thereto.

[Agreed to by both Houses, February 7, 1809.]

SIR,

THE General Assembly of your native state cannot close their session, without acknowledging your services, in the office which you are just about to lay down, and bidding you a respectful and affectionate farewell.

We have to thank you for the model of an administration, conducted on the purest principles of republicanism; for pomp and state laid aside; patronage discarded; internal taxes abolished; a host of superfluous officers disbanded; the monarchic maxim "That a national debt is a national blessing," renounced; and more than thir y-three millions of our debt discharged; the native right to nearly one hundred millions of acres of our national domain extinguished; and, without the guilt or calamities of conquest, a vast and fertile region added to our country, far more extensive than her original possessions, bringing along with it the Mississippi and the port of Orleans, the trade of the west to the Pacific ocean, and, in the intrinsic value of the land itself, a source of permanent and almost inexhaustible revenue. These are points in your administration which the historian will not fail to seize, to expand and teach posterity to dwell upon with delight. Nor will he forget our peace with the civilised world, preserved through a season of uncommon difficulty and trial; the good will cultivated with the unfortunate aborigines of our country, and the civilization humanely extended among them; the lesson taught the inhabitants of the coast of Barbary, that we have the means of chastising their piratical incroachments and awing them into justice; and that theme, on which, above all others, the historic genius will hang with rapture, the liberty of speech and of the press preserved inviolate, without which, genius and science are given to man in vain.

In the principles on which you have administered the government, we see only the continuation and maturity of the same virtues and abilities which drew upon you, in your youth, the resentment of Dunmore. From the first brilliant and happy moment of your resistance to foreign tyranny, until the present day, we mark with pleasure and with gratitude, the same uniform, consistent character, the same warm and devoted attachment to liberty and the republic, the same Roman love of your country, her rights, her peace, her honor, her prosperity.

How blessed will be the retirement into which you are about to go! How deservedly blessed will it be! For you carry with you the richest of all rewards, the recollection of a life well spent in the service of your country, and proofs the most decisive, of the love, the gratitude, the veneration of your countrymen.

That your retirement may be as happy as your life has been virtuous and useful; that our youth may see, in the blissful close of your days, an additional inducement to form themselves on your model, is the devout and earnest prayer of your fellow citizens, who compose the General Assembly of Virginia.

RESOLVED, By the General Assembly, that the Governor be requested to forward to the President of the United States a copy of the foregoing address;

and also, for the information of the General Government, a copy of the resolutions concerning our foreign relations, unanimously adopted by the present General Assembly, and of the preamble to the same.

No. IV.

Report and Resolutions on the subject of the Foreign Affairs of the United States.

[Agreed to by both Houses, February 7, 1809.]

THE committee to whom were referred sundry resolutions, touching, among other things, our foreign relations, and the measures of the administration consequent thereon, beg leave now to report on this branch of the subject:

That the French edicts and British orders of council, although the immediate causes of the embargo, were not the first grievances of which we had to complain against those nations; they were the last links, only, of a long chain of indignities and oppressions, which they had previously conspired to cast upon us. Agreeing in nothing else, those powers seem to have agreed at least in the point of heaping insults and injuries on the United States, in total disregard of the relations of amity which subsisted between us, and in direct and gross violation of the best settled principles of the law of nations.

As to Great Britain, it seems to your committee, that ever since she was, reluctantly, compelled to acknowledge our independence, she has been pursuing a system of measures, calculated to regain the ground which she had lost; to bring us back to our colonial subjection and dependence on her, and thus to effect, by her policy, what she was unable to accomplish by her arms.

Availing herself of the identity of our language, she has extended her laws of impressment to us; and, as if we were still her colonies, has forced us to contribute to man her fleets. At this moment, at least three thousand free-born American citizens, perhaps many more, are mourning on board the British fleet, a hopeless separation from all the connexions dearest to their hearts; are pining and expiring in a captivity, worse than Algerine, because its immediate consequences are to be involved in a war of plunder against their own country, and in the end, too probably, in a war against the lives of their countrymen. Great-Britain not only refuses to release these men, but she refuses to adopt any regulation whereby the outrage may be prevented in future. On the contrary, her board of admiralty, in answer to a proposition to this effect, from a late minister, Lord Holland, has declared that the existence of her navy depended on the continuance of impressments, as therefore practised.

Your committee see, in this declaration, the avowal of a firm and settled purpose, that so long as the United shall speak the same language with Great Britain, they shall contribute to nourish and support the British fleet, although the power of that fleet is to be turned against themselves. Your committee deem it an idle and ridiculous mockery to vaunt of the sovereignty and independence of our country, while the persons and liberty of our citizens are insecure; while a foreign nation is permitted, at her pleasure, to seize on our countrymen, and take off for the purposes of war whatever number her occasions may require. Tribute in any form has been thought a badge of dependence and servility, but never can it assume a form so humiliating and degrading, as when it is a tribute of men, and free men, too, furnished to fight the battles of a foreign prince; battles in which, if directed against other foreign powers, they feel no interest; but which may be directed against their own country, and thus force them to imbrue their hands in the blood of a brother or a father.

Again, Great Britain, not content with the actual power of her navy, has, without any addition thereto, contrived the means of multiplying its operations and

extending the range of its action to the great annoyance and even ruin of neutral commerce. The law of nations has declared, that a blockade cannot exist without actual investment by the ships of the enemy; and in this state of things, it is admitted on all hands, that a neutral has no right to enter the port, since, by carrying in supplies, he might defeat the object of the blockade.

But Great Britain was not satisfied with this legitimate restriction on the commerce of neutrals—Not able with all her ships, numerous as they are, to invest all the ports of her enemy, she has invented a species of blockade unknown to the laws of nations, by which she avoids the expense of an actual siege, keeps her ships free for other operations, harrasses her adversary most effectually and extensively, by blockading all his ports at once, and (what alone, is of immediate importance to us) drives neutral commerce from the ocean, or fills her coffers by its plunder. Your committee allude to the new mode of creating a blockade by proclamation, instead of actual investment. To say nothing of the principle, the injury which American commerce has already sustained by the practice of this innovation is immense—When a blockade has been formed according to the law of nations, the appearance of the besieging fleet is sufficient warning to neutrals, who, with such notice, are in no danger of committing a breach of blockade, without intending it. But where neutrals have no such appearance, no such warning, no notice to guide them; where the blockade, instead of being actual, is merely ideal; existing no where but upon paper, they incur the penalties without intending the offence, and find themselves ruined by the imputation of a crime, which they would disdain to perpetrate.

Nor is this innovation objectionable only on the ground of the surprise which it practices upon neutrals. In its principle it is still more obnoxious: it gives to belligerents the power of implicating peaceable nations in the consequences of foreign wars, to an extent, denied to them by the law of nations; to an extent which, if the peaceable nation be dependent on commerce, goes directly to her ruin, as certainly and immediately, as if she were a party in the war. For, according to this new invention, it is just as easy to blockade a whole island as a single port, and a whole continent as a single island. It is but necessary to declare the island or the continent blockaded, and neutrals must believe the fact, whether it be so or not, or take the consequences. Upon this principle it is obvious, that where belligerents, as at the present time, have involved almost every commercial country upon earth in their contests, it is easy for them, by reciprocal declarations of blockade, to say to neutrals, "You shall not trade at all." This idea, extravagant as it would have appeared a few years back, has been actually realised in relation to this country. Great Britain has by her declaration put a whole continent in a state of blockade. France, while her ministers have been continually declaring this pretence of blockade "absurd," "monstrous," "indefensible," "a mockery of right," and "an insult upon reason," has nevertheless proceeded to do the same thing, and, without a ship afloat upon the seas, puts the British isles in blockade, by her simple proclamation. Great Britain treats that proclamation as an empty menace, which France had no power to carry into effect, and boasts that the ascendancy of her navy had locked up the ships of France in their ports; she proceeds, nevertheless, by way of return, to blockade on paper, the island of Zealand, two hundred miles in extent; and she calls this "retaliation," as if France, and not herself, had been the mistress of this invention. To us, however, it is immaterial by whom it was invented; since, by whomsoever invented, or whomsoever practised, it is a gross and intolerable usurpation on our rights. The spirit of this nation will never submit to the idea, that because France and Great Britain are at war, the commerce of the United States shall perish: that we shall become the victims of their mutual animosities and insatiable lust of power and dominion.

But this extravagant and monstrous invention of blockade by proclamation was not sufficient for all the purposes of Great Britain: being an innovation, and a bold one too, it required a gradual introduction and extension—a process, it would seem, too slow for all the views which she meditated.

Hence the resort to those instructions to her cruisers and her judges in admiralty; sometimes so secretly issued as to justify the belief, that they were intentionally concealed for the purposes of plunder. These instructions or orders of council began to prey upon our commerce so early as the year 1793, and were continued with little variation down to 1798. They were not pretended to be justified by the law of nations; they were regulations merely promotive of the British interest, and which she relied upon the power of her navy to inforce. A key to the character of such instructions has been candidly furnished, by one of her own writers of considerable eminence. Marshall in his treatise on the Law of Insurance, (page 322) speaks of the subject thus—"In every maritime war, the belligerent powers take upon themselves to make various marine regulations, adapted to their own respective situations and *interests*: but often *contrary to the laws of nations* and *inconsistent with the independence of other states*. And though it may be *prudent* for the subjects of neutral states, which are *unable* or *unwilling to contend with such belligerent powers*, to conform to these regulations, *for their own safety*, yet it seems to be now settled, that they are not bound by them." The feelings which will arise in the bosom of every American, on reading this extract, and comparing it with the practice of the country to which the writer belonged, will supersede the necessity of any commentary on the part of your committee. The policy of the British instructions, now under consideration, so far as it relates to American commerce, seems to have been to cut it up by the roots, or to force it into British channels, and thereby to bring about that monopoly of our trade, which she claimed as a right, while we were her colonies: the immediate effect of those instructions was to fill the British coffers, by the lawless plunder of American property. Scarcely ever before has the world been called to witness such a scene of insolent rapacity, on the one hand, and of patient remonstrance and forbearance on the other.

France, totally regardless both of the subsisting treaty and the laws of nations, and pretending that, by submitting to British impressment and spoliation, we were strengthening the hands of her enemy against her, (at a time when our government was making every exertion, short of war, to obtain the redress of those wrongs,) came out with what she pronounced to be measures of retaliation, and, by her imperial edict of Berlin, arrogantly forbade us to trade with Great Britain. * From the impotence of the French fleet, that decree had very little other effect towards us, than to display the hostility and injustice of the government from which it proceeded. To Great Britain, however, it answered an important purpose; it furnished her with a pretext to crown her grand project of re-colonizing the United States. Accordingly, on the hackneyed and iniquitous pretence of retaliation, she issued against us her orders of council of January and November 1807. By these, under pain of seizure and confiscation, she totally interdicts us from trading with every port or country at war with her, or from which the British flag is excluded: except indeed we choose to land our goods in Great Britain, and re-export them on the payment of such duties as shall be imposed by the British Parliament.—This is precisely the indulgence which we had while we were colonies; and if the British Parliament has the right to impose this tax on our trade, the principle of the revolution has vanished from under us; we relapse into subjection, and the blood of our fathers has been spilled in vain. We return to the ground which we occupied before the declaration of our independence, taxed by a British Parliament in which we are not represented, and that, without even the correlative claim of maternal support and protection.

Nor is it merely of commercial restrictions and spoliations that we have to complain against those nations: they seem to have vied with each other in adding insults to our injuries. Great Britain comes, within the line of our jurisdiction, to violate the sovereignty of our nation, by burning a French ship stranded upon our coast. France arrogates to herself the right of dictating our course towards Great Britain, and, by way of enforcing her dictate, she seizes and burns our

ships upon the high seas, and threatens a confiscation of all American property sequestered by order of his imperial Majesty. Britain, determined not to be behind in this noble contest of insulting and outraging a nation whom she calls her friend, attacks an American ship of war within sight of our coast, and, in a manner, at once, the most perfidious and dastardly, murders a part of her crew, and carries off others of them to bondage or death.

If ever the wrongs and sufferings of a nation would justify a declaration of war, that declaration might long since have been made on the part of the United States. But war, if it can be avoided with honor, is not the policy of this nation. It is their true policy, as it is their sincere wish, to cultivate peace with all the world. The administration of the United States, influenced by this spirit of conciliation and friendship, has labored with equal zeal and energy to obtain the redress of our wrongs by amicable adjustment. These efforts have not, in the opinion of your committee, been either too often repeated or too long continued. They will convince the world, that peace is indeed our wish: and if at length we shall be forced into war, we shall take the field with that animated and firm determination which injured honor feels, when every effort at peace has been fairly exhausted and no alternatives remain but war, on the one hand, and disgrace and oppression on the other.

Our negociations both with France and Great Britain, protracted to a length which only the purest spirit of peace could reconcile to itself, had sometimes worn the most pleasing aspect: when, in the course of the last winter, information of the hostile construction of the French edict, and of the meditated orders of the British council arrived in this country. At that time property of American citizens to a large amount, and a great number of American seamen were upon the ocean, embarked in commerce still active in spite of all previous restrictions. But these new measures, which Great Britain, at least, had the power to enforce, and which seem to have been projected by her with reference to the rich plunder then presented to her grasp, made it necessary on the part of our government to adopt a countervailing policy and save our citizens and their property from the ruin which hung over them. A declaration of war, considering the ascendancy of the British navy, instead of preventing, would have hastened that ruin. To have carried on our commerce, subject to the capture and confiscation menaced by those edicts and orders, would have been to have made that ruin certain. To have turned our trade into the channels pointed out by Great Britain, and to have pursued it on the conditions prescribed by her, would have been to return with our eyes open, to the degrading state of colonial vassalage. To have accepted the protection either of France or England, would have been to truckle to an aggressor, to have been precipitated at once into the wars of Europe, which if we survived, we might have had the consolation, at the end of it, to find ourselves French or British provinces. Under these circumstances, your committee believe that the administration of the United States advised the only measure of relief, compatible with our power, and at the same time with our honor. They advised the embargo, and it met the approbation of Congress, as it had done, under similar circumstances, during the administration of General Washington. As a measure of precaution, it has been completely successful. If it has failed in any degree, as a measure of constraint, your committee believe that it is not because our enemies have not felt its force, but because they believe we have felt it too sensibly: because the unfortunate opposition which the measure has met in some parts of the union, has inspired them with a fallacious hope, that we, ourselves, either could not or would not bear its privations. Your committee entertain a firm persuasion that those of our citizens, who, from the dictates of their judgment, and a sense of duty, have written or spoken against this measure, will themselves regret the opposition, when they see the manner in which it has been seized, and the insulting light in which it has been viewed by the British Governor of Canada and the British prime minister. The first, by inviting the citizens of this country to a breach of the embargo and promising

them the protection of the British government, has evinced his impression that the opposition made to that measure did not proceed from objections to its policy, but from hostility to our own government, and attachment to that of Great Britain. He would not otherwise have dared so openly to make a discrimination between the people of this country and their government, to interpose himself between them, and insult them by a tender of British protection in violating the laws of the government of their choice. The British minister, George Canning, in his letter of September 23d, 1808, to Mr. Pinkney, repeats the indignity in terms still more offensive. He tenders the sympathies of his gracious majesty to the people of the United States, and, in effect, expresses his willingness, to interpose, in any manner, in his power, for their relief, even if it should be by placing the British shield between them and their government. It is believed that there is no man in whose bosom the spirit of an American resides, who can read and compare the Canadian address, and the ministerial letter, without remembering, that, although there is an ocean between us and Great Britain, there is none between us and Canada. As to the graciousness of his majesty, we have had sensible experience of that, from the year 1765 down to the present day. We desire no more of it. We have no reason to be solicitous for any further connexion with that prince, in whose vocabulary, friendship and hostility mean the same thing: as to his friendship, it is written in the plunder of our property and the blood of our citizens.

The construction placed by the British governor and minister on the opposition made to the embargo in this country, is one which we should all feel an interest in repelling. It contains an insult the most direct and poignant, not only to those citizens who have made the opposition, but to the country to which they belong. It is, in effect, saying to them that his gracious majesty regards them still as his subjects, and will suffer them to return to their allegiance as soon as they please: and this insolent overture is addressed to American citizens; addressed to them, at a time too, when the bones of those who fell in the war of our revolution, are still bleaching on our fields, and warriors live, who still recount to us the incidents of each battle.

To return to the embargo:—Your committee believe that its privations, in this state, at least, have been borne with a firmness worthy of the patriots of seventy-six: and they cannot forbear the expression of the hope, that the very prompt manner in which congress has determined to continue it, with the addition of non-intercourse with the offending powers, will dissipate the delusion under which they seem to have labored, in regard to the stability of the union of these states; and the firmness of the people who inhabit them will convince them that however distinguished by shades of political difference, the people of the United States are but as one man in repelling and punishing foreign aggressions, from whatsoever quarter they may come.

Your committee have thought it expedient, thus briefly, to bring together, to the recollection of the house, the most prominent features of that system of oppression, which France and Great Britain have practised upon us; in order to shew that it is a system, which involves the prostration of our most sacred rights, and, if permitted to go on, the final subjugation of our country. Your committee cannot withhold the expression of the sentiment, that by the repeated concussions of those two great belligerent powers, the civilized world seems to have been thrown back many centuries, into ancient barbarism and darkness. The lights furnished by those great luminaries who have written on the Laws of Nations, and who, (in the language of a Virginian patriot, now no more,) "have held up the torch of science to a benighted world," have been totally thrown aside, obscured and extinguished; and the mild law of reason and right has given way to the law of brutal fury and force.

It is by the operation of these causes, that the United States have been brought to the crisis in which they have now to act: our commerce, in the full tide of its prosperity, arrested and stagnated; our most valuable and sacred rights in-

vaded and torn from us; our citizens murdered or impressed and held in bondage; our sovereignty, as a nation, trampled on and despised. Under these circumstances, what remains for us, but to give to our government the assurance that we are with them, and that we will support them, so long as the God of our Fathers shall vouchsafe to give us life and strength!

1. Resolved, That the aggressions of Great Britain and France have infringed our honor; have violated our rights; have usurped upon our sovereignty as an independent nation.

2. Resolved, That it is better for us to cease to exist as a nation, than to exist under dishonor and violated rights—Wherefore,

3. Resolved, That we will stand by the government of our country; and that we will support them with the last cent of our treasure, and the last drop of our blood, in every measure, either of defence or offence, which they may deem expedient, to vindicate our injured honor and our violated rights.

No. 5.

Resolution directing a Suit against the Superintendant of the Manufactory of Arms.

[Agreed to by both Houses, February 16th, 1809.]

RESOLVED, That the attorney general be instructed to institute a suit in the proper court, to ascertain and recover the amount, (if any,) which has been received by the present superintendant, beyond an adequate compensation for making and keeping in repair the machinery and fixtures at the manufactory of arms.

RESOLUTIONS, &c.

No. I.

Resolutions disapproving the Amendment proposed by the Legislature of Pennsylvania, to the Constitution of the United States.

[Agreed to by both Houses, January 26th, 1810.]

THE Committee to whom was referred the communication of the governor of Pennsylvania, covering certain resolutions of the legislature of that state, proposing an amendment to the constitution of the United States, by the appointment of an impartial tribunal to decide disputes between the state and federal judiciary, have had the same under their consideration, and are of opinion, that a tribunal is already provided by the constitution of the United States; to wit; the Superior Court, more eminently qualified from their habits and duties, from the mode of their selection, and from the tenure of their offices to decide the disputes aforesaid in an enlightened and impartial manner than any other tribunal which could be created.

The members of the Supreme Court are selected from those in the United States who are most celebrated for virtue and legal learning; not at the will of a single individual, but by the concurrent wishes of the President and Senate of the United States: they will therefore have no local prejudices and partialities.

The duties they have to perform lead them necessarily to the most enlarged and accurate acquaintance with the jurisdiction of the federal and several state courts together, and with the admirable symmetry of our government. The tenure of their offices enables them to pronounce the sound and correct opinions they may have formed, without fear, favor or partiality.

The amendment to the constitution proposed by Pennsylvania seems to be founded upon the idea, that the federal judiciary will, from a lust of power, enlarge their jurisdiction to the total annihilation of the jurisdiction of the state courts; that they will exercise their *will* instead of the *law* and the *constitution*.

This argument, if it proves any thing, would operate more strongly against the tribunal proposed to be created, which promises so little, than against the supreme court, which, for the reasons given before, have every thing connected with their appointment calculated to ensure confidence. What security have we, were the proposed amendment adopted, that this tribunal would not substitute their *will* and their *pleasure*, in place of the *law*? The judiciary are the weakest of the three departments of government, and least dangerous to the political rights of the constitution; they hold neither the *purse* nor the *sword*, and even, to enforce their own judgments and decrees, must ultimately depend upon the executive arm. Should the federal judiciary however, unmindful of their weakness, unmindful of the duty which they owe to themselves and their country, become corrupt, and transcend the limits of their jurisdiction, would the proposed amendment oppose even a probable barrier in such an improbable state of things?

The creation of a tribunal, such as is proposed by Pennsylvania, so far as we are enabled to form an idea of it from the description given in the resolutions of the legislature of that state, would, in the opinion of your committee, tend rather to invite than prevent a collision between the federal and state courts. It might also become, in process of time, a serious and dangerous embarrassment to the operations of the general government.

Resolved therefore, That the legislature of this state do disapprove of the amendment to the constitution of the United States, proposed by the legislature of Pennsylvania.

Resolved also, That his excellency the governor, be and he is hereby requested to transmit forthwith a copy of the foregoing preamble and resolutions to each of the Senators and Representatives of this state in Congress, and to the executive of the several states in the union, with a request that the same be laid before the legislatures thereof.

No. II.

Resolutions on the subject of Military Claims to Western Lands.

[Agreed to by both Houses, February 6th, 1810.]

RESOLVED, That the Senators of this state in the Congress of the United States, be instructed, and the representatives requested, to use their best efforts to procure a further continuance of "an act to extend the time for locating Virginia military land warrants, for returning surveys thereon, to the office of the secretary of the department of war, and appropriating lands for the use of schools in the Virginia military reservation, in lieu of those heretofore appropriated," approved the second of March, one thousand eight hundred and seven.

Resolved, That the Senators of this state in the Congress of the United States, be instructed, and the Representatives be requested, to use their best efforts to

obtain the passage of a law by Congress, appropriating such waste and unappropriated lands as may be thought proper, for the purpose of satisfying bounties, due from the state of Virginia to her officers and soldiers of the state line, and marines; the fund appropriated for that purpose having passed to the state of Kentucky, since the first day of May, one thousand seven hundred and ninety-two; and there being still a number of claims of the above description unsatisfied, and which the state of Virginia has disabled herself from satisfying by her donations of lands to Congress.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested to use their exertions to extinguish the Indian claim within the boundaries of the state of Kentucky, and to confirm the titles of all locations for military services therein made.

Resolved, That his excellency the governor of this state be requested to transmit copies of the foregoing resolutions to the Senators and Representatives of this state, in the Congress of the United States.

No. III.

Resolutions approving the course pursued by the Government of the United States in relation to Great Britain, and Foreign Affairs in general.

[Agreed to by both Houses, February 7th, 1810.]

THE General Assembly of Virginia having, at the last and preceding sessions, so fully expressed their strong and decided approbation of the course pursued by the general government, in relation to the contending powers of Europe, would deem it unnecessary, at this time, to renew the expression of their sentiments, if the arrangement concluded in April last, with David M. Erskine, the accredited minister of his Britannic Majesty, had not been perfidiously disavowed by his government, and if his successor Francis J. Jackson, after having grossly insulted the government of this country, had not made an unwarrantable and insidious appeal to the nation. In this situation of our affairs, it is the sacred duty of every part of the nation to declare their determination to stand forward, firm and united, in support of the general government, in their laudable efforts to defend the rights of this country, against the continued and growing aggressions of the great and haughty nations of Europe:

Therefore resolved, That the course which has been pursued, as well in regard to the arrangement concluded in April last, with David M. Erskine, minister plenipotentiary of his Britannic Majesty, as with respect to the subsequent correspondence with, and dismissal of his successor, Francis J. Jackson, and in relation to our foreign affairs in general, has confirmed the general assembly of Virginia in the exalted opinion which they entertained of the justice and wisdom, the firmness, decision and patriotism of the present Executive of the United States.

Resolved, That the general assembly of Virginia, being deeply impressed with the necessity of union among the people, and devotion to the government, do hereby solemnly pledge themselves to support the general government, in all such measures as may be deemed necessary for the defence of the rights, the interests, and the honor of the nation.

RESOLUTIONS, &c.

No. I.

A Resolution appointing Commissioners with power to agree with the Legislature of North Carolina, on the best plan of extending the Navigation of Roanoke river to tide water.

[Agreed to by both Houses, February 6th, 1811.]

RESOLVED, That the improvement of the navigation of the Roanoke river and its branches is an object of signal utility and importance to a large portion of this state and the state of North Carolina; that the legislature of Virginia will cheerfully unite with the legislature of North Carolina in passing such laws as may be necessary to effectuate the same; and that for this purpose the following gentlemen be appointed, namely, Peter Scales, Peachy R. Gilmer. Peter Garland, George Tucker, Isaac H. Coles, William E. Brodnax, Samuel Goode, William Taylor, James Gee and John M. Walker; any three of whom shall have authority to agree with the legislature of North Carolina on the best plan of extending the said navigation to tide water, and to enter into mutual stipulations for its accomplishment; subject however to the approval, alteration or rejection of the respective legislatures.

No. II.

Preamble and Resolution instructing the Senators, and recommending the Representatives from this state in the Congress of the United States, to use their efforts in opposing the renewal of the Charter of the Bank of the United States.

[Agreed to by both Houses, January 22d, 1811.]

THE General Assembly of Virginia view with the most serious concern the late attempts which have been made to obtain from Congress a renewal of the charter incorporating the bank of the United States. This assembly are deeply impressed with the conviction that the original grant of that charter was unconstitutional; that Congress have no power whatever to renew it; and that the exercise of such a power would be not only unconstitutional, but a dangerous encroachment on the sovereignty of the states—Therefore,

Resolved, That the Senators of this state in the Congress of the United States be instructed, and our Representatives most earnestly requested, in the execution of their duties as faithful representatives of their country, to use their best efforts in opposing by every means in their power the renewal of the charter of the bank of the United Sates.

No. III.

Resolutions appointing Commissioners to view James River from the Upper end of the Canal, to the highest point of navigation at the mouth of Dunlap's Creek, and for other purposes.

[Agreed to by both Houses, February 4th, 1811.]

WHEREAS it is a matter of the greatest importance, not only to the good

people of this state, but to our brethren of the western states, that a better and more direct communication with the Atlantic should be opened betwixt the eastern and western waters—therefore, *Resolved*, That Wilson C. Nicholas, James Breckenridge, William Caruthers, Andrew Donnelly, junior, and William J. Lewis, gentlemen, be appointed commissioners, whose duty it shall be to view accurately, and make report thereof to the next general assembly of this state, James river from the upper end of the canal to the highest point of navigation at the mouth of Dunlap's creek; to mark out the most practicable way, if any, from the mouth of Dunlap's creek, for a canal to Greenbrier river; and to view that river to it's mouth, as well as the New river to the great falls of the Kanawha, to take the difference of altitude of the mouth of Dunlap's creek, and that point on Greenbrier river contemplated in this resolution.

Resolved also, That William J. Lewis, of Campbell, Isaac Otey, of Bedford, Matthew Harvey, of Botetourt, William Herbert, of Monroe, and Samuel Browne, of Greenbrier, gentlemen, be, and they are hereby appointed commissioners to view and mark out the nearest and most direct way for a turnpike road, from the road called the Buckingham road, near Robert Hunter's, to Greenbrier courthouse, to pass through Lynchburg, the Peaks of Otter, the town of Monroe, and by the Sweet Springs. And it shall be the duty of the commissioners to make report thereof to the next general assembly of this state.

No. IV.

Preamble and Resolutions respecting the claim of the Virginia Officers and Soldiers of the late Continental and State Lines.

[Agreed to by both Houses, February 2d, 1811.]

THE Committee to whom was referred a resolution respecting the claim of the Virginia officers and soldiers of the late continental and state lines, and such part of the Governor's letter as relates to that subject, have, according to order, had the same under consideration, and agreed to the following report:

Whereas the Congress of the United States did, by an act passed on the twenty third day of March, one thousand eight hundred and four, declare and enact, "That the line run under the direction of the surveyor general of the United States, from the source of the Little Miami, towards the source of the Scioto, and which binds on the east the surveys of the lands of the United States, shall, together with its course continued to the Scioto river, be considered and held as the western boundary line, north of the source of the Little Miami, of the territory reserved by the state of Virginia, between the Little Miami and Scioto rivers for the use of the officers and soldiers of the continental line of that state; *Provided*, that the state of Virginia shall within two years after the passing of this act recognize such line as the boundary of the said territory;"

And whereas the general assembly of this state have passed no act recognizing the line run as aforesaid;

And whereas it is important to the officers and soldiers of the continental line of this state, as well as to the United States, that a line separating the said reserved territory from the adjacent lands of the United States, should be accurately run, according to the true intent and meaning of the deed of cession, made by the commissioners of this state to the United States, on the first of March, one thousand seven hundred and eighty four, of the territory north west of the Ohio.

Resolved, That the Senators representing this state in the Congress of the United States be instructed, and that the delegates from this state in the House of Representatives be requested, to adopt such measures as to them may appear

most expedient to procure a line to be run, according to the true intent and meaning of the deed of cession aforesaid, by commissioners duly empowered to act on the part of the United States, jointly with an equal number of commissioners to be appointed on the part of this commonwealth.

Whereas the general assembly of this commonwealth, on the second day of January, in the year one thousand seven hundred and eighty-one, did by a resolution declare their intention to cede to the Congress of the United States, for the general benefit of the union, the territory belonging to this commonwealth, lying north west of the Ohio river, on certain conditions expressed in the said resolution; one of which conditions was in the words following, to wit; That in case the quantity of good lands of the south east side of the Ohio, upon the waters of Cumberland river and the Green river, and the Tennessee river, which have been reserved by law for the Virginia troops on continental establishment, and upon their own state establishment, should (from the North Carolina line bearing in further upon the Cumberland lands than was expected) prove insufficient for their legal bounties, the deficiency shall be made up to the said troops in good lands to be laid off between the rivers Scioto and Little Miami, on the north west side of the river Ohio in such proportions, as have been engaged to them by the laws of Virginia;"

And whereas a committee of the Congress of the United States, to whom the said resolution was referred, did report that the above recited condition, named in their report, "the fifth condition," was reasonable, and ought to be acceded to by congress, and the same was accordingly agreed to as one of the conditions on which the proposed cession was to be accepted;

And whereas it appears that the said committee, in stating the said fifth condition, which they undertake to recite in their said report, did inadvertently leave out the words, "and upon their own state establishment;"

And whereas the general assembly of this commonwealth, on the twentieth day of October, in the year one thousand seven hundred and eighty-three, passed "an act authorising the delegates of this state in Congress to convey to the United States in Congress assembled, all the right of this commonwealth to the territory north westward of the river Ohio," upon the terms on which Congress had agreed to accept the cession of the said territory; and in reciting the said fifth condition, copied the same as it stood in the report of the said committee of Congress, and not as it was originally proposed by the general assembly of this commonwealth, and actually agreed to by the Congress of the United States; And whereas a deed of cession was executed on the first day of March, in the year one thousand seven hundred and eighty four, in conformity to the said act of the twentieth October, one thousand seven hundred and eighty-three;

And whereas the officers and soldiers of the Virginia line on state establishment, possessing the same high claim to the gratitude of their country, and to compensation for their services, which has been so justly admitted as to the officers and soldiers of the Virginia line on continental establishment, have, by this oversight, in many instances lost the benefit and advantages which the general assembly of this commonwealth intended to bestow, and which it was their duty then, and which it is no less now the duty of this assembly to secure for them by every effort in their power;

Resolved, That the senators representing this state in the Congress of the United States be instructed, and the delegates from this state be requested, to use their best efforts to obtain from the Congress of the United States an act authorising the officers and soldiers of the Virginia line on state establishment, their heirs or assigns, to locate the warrants, which they may hold for lands granted for military services, on lands within the limits of the territory reserved by this commonwealth according to the true intent and meaning of the said fifth condition of the said cession.

And whereas it may eventually appear that the good lands lying within the limits aforesaid may not be sufficient to satisfy the claims of the officers and sol-

diers of the Virginia line on state establishment, in addition to those of the officers and soldiers of the Virginia line on continental establishment;

And whereas the faith of the commonwealth is equally pledged to the officers and soldiers employed in the marine service of this state, and to other persons who performed meritorious services during the revolution; and, in consequence of the cession made as aforesaid to the United States, this commonwealth has been unable to comply with engagements which ought to be completely fulfilled;

Resolved, That the senators representing this state in the Congress of the United States be instructed, and the delegates from this state be requested, to use their best efforts to procure the consent of Congress to a law, providing, in case the good lands in the said territory shall not be sufficient, other lands in some territory belonging to the United States, out of which the claims stated in the preamble to this resolution may be satisfied.

Resolved, That the executive be requested to cause a statement to be prepared and transmitted to the senators and representatives from this state in Congress, shewing as accurately as may be the amount of the unsatisfied claims for land belonging to the officers and soldiers of the Virginia line on state establishment, to those officers and soldiers who were employed in the marine service of this commonwealth, and to those meritorious persons to whom special donations of land were intended to have been made.

No. I.

RESOLUTIONS, &c.

Preamble and Resolutions on the subject of the Measures of the General Government relative to the Belligerent Powers of Europe.

[Agreed to by both Houses, January 25, 1812.]

THE General Assembly of Virginia have beheld, with deep sensibility, the flagrant violations which the great belligerents of Europe have practised upon the rights of neutrality, as established upon the principles of universal law, and sanctioned by the acquiescence of the whole civilized world for many ages.—These violations have driven all the nations of Europe into a war, alike unexampled in its ravages, and its consequences; and, whilst the United States have kept out of its vortex, and most scrupulously adhered to the duties devolved upon them, by treating all with equal impartiality; they have, from year to year, indulged the delusive hope that reflection would bring back the aggressors to a sense of justice, and returning reason would ensure to the long violated immunities of the person and property of their citizens an exemption from the war committed upon them. France has paused in her career of hostility, and thereby afforded to her rival, England, an opportunity of performing her solemn promises without a compromitment of her pride; and it was expected by the government and people of the United States, that the proofs of this pause, presented in an unquestionable shape to the British ministry, would have been promptly followed by a repeal of the Orders in Council; but fatal experience has produced the painful conviction, that in this just expectation they have been mistaken. And, regardless of all principle, the bold avowal has been made by Great Britain, the permitted admission of her fabrics into the continent of Europe, through neutral vessels, was an indispensable preliminary to the ter

mination of her aggressions; a condition which the United States have no right to demand in relation to the produce of their own soil or manufactories, and which their honor forbids them to demand, at the instance and for the benefit of another. With a knowledge of this avowal, and the daily evidence that Great Britain executes her orders in their living spirit, which is war upon us of the most aggravated species, a further indulgence of hope is allied with disgrace, and forbearance becomes criminal. And, although this Assembly confide in the patriotism of the Congress and Executive of the United States, to assert the rights of the nation, in the manner its honor requires; and, as regards themselves, this expression of their opinion may be superfluous; yet, influenced by the examples of preceding legislatures, at times less momentous than the present; and, apprehensive that their silence will be misconstrued into indifference or distrust; more especially, as the minister plenipotentiary of Great Britain, in his correspondence with the government of the United States recently published, has opposed to the act of the Executive, and the evidence on which it was predicated, a presumed disagreement, as to the fact upon which he decided, and the *justice* of the measure that he had adopted, "*by all the legal authorities in the United States;*" and because we believe the measures of hostility pursued by the British government against us are persevered in, in the belief that we are a divided people; this assembly declare their conviction to be, that not only "all the legal authorities of this state," but the people also, from whom the former derive their powers, concur in the sentiment of confidence in the government of the Union, and a firm resolution to support it in the redemption of its plighted faith, "to maintain the rights, honor and independence of the United States."—And, actuated by a sacred regard for the constitution and liberties of United America, sanctioned by the wisdom of their fathers, and consecrated with their blood, they will not withhold the testimony of their confidence, and the solemn assurance of their co-operation, to meet the crisis with the firmness of men, and the determination of free-men—Therefore,

1. *Resolved*, That this Assembly, speaking, as they believe they do, the voice of the people of this commonwealth, have viewed with approbation the uniform zeal with which just remonstrances have been made by the general government, for the purpose of obtaining from Great Britain, by honorable negociation, a redress of the many wrongs inflicted upon us by her Orders in Council, and other measures equally hostile to the interest of the United States.

2. *Resolved*, as the opinion of this Assembly, That, however highly we value the blessings of peace, and however we may deprecate the evils of war, the period has now arrived, when peace, *as we now have it*, is disgraceful, and war is honorable.

3. *Resolved*, That this assembly will support the general government in all constitutional and legitimate measures which may be adopted in vindication of the rights and interests of the people of the United States, and in support of the character and dignity of the government thereof; and for these purposes, we pledge "our lives, our fortunes and our sacred honor."

4. *Resolved*, That the Executive of this state be requested to transmit the foregoing preamble and resolutions to the Executive and Legislative departments of the general government.

No. II.

Preamble and Resolutions asserting the right of the state Legislatures to instruct their Senators in the Congress of the United States; and disapproving the conduct of the Senators from this state in Congress, in relation to the instructions given them at the last session, on the subject of the bank of the United States.

[Agreed to by both Houses, February 20th, 1812.]

THE General Assembly of Virginia having, at the last session, after mature deliberation on the subject, and under a solemn conviction that the institution of the Bank of the United States was unconstitutional, instructed the Senators of this state in Congress to oppose the renewal of the charter of that bank, it has since seen, with mingled regret and displeasure, the authority of its instruction denied by one Senator and disobeyed by the other.

No man, however exalted by station or character, could be so considerable as to excite the resentment of this assembly—a resentment unworthy its own dignity, and in a manner honorable to its object. It will never descend to inflict personal injury or insult on any individual; it is withheld at once by its justice, its benignity and its pride, from indulging in itself, or exciting in others, the spirit of persecution and revenge; least of all, can it ever be so devoid of self respect, as to enter into an altercation with its own servants. But under present circumstances, when a right of vital importance, the prostration of which might ultimately affect the existence of the state governments, the balance of the constitution, and the integrity of the union, is openly questioned and denied, if this assembly were to pass the subject over in silence, it might, perhaps, properly be inferred, that it retreated from its claim of right, in humble submission, or abandoned it as an idle, or yielded it as an unjust pretension.

Whether the General Assembly has been guilty of an act of usurpation, or its Senators of culpable disobedience, let the world judge. This assembly will never disdain to give the reasons of its conduct.

There can be no doubt, that the scheme of a representative republic was derived to our forefathers from the constitution of the English House of Commons; and that that branch of the English government, whatever it be now in practice, was in its origin, and in theory always has been, purely republican. It is certain too that the statesmen of America, in assuming that as the model of our institutions, designed to adopt it here in its purest form, and with its strictest republican tenets and principles. It becomes, therefore, an enquiry of yet greater utility than curiosity, to ascertain the sound doctrines of the constitution of the English House of Commons, in regard to this right of the constituent to instruct the representative. For the position may safely be assumed that the wise and virtuous men, who framed our constitutions, thoroughly versed, as they undoubtedly were, in the English doctrines of representation, designed, that in the United States the constituent should have at least as much, if not a great deal more influence over the representative, than was known to have existed, time immemorial, in England. Let us then interrogate the history of the British nation. Let us consult the opinions of their wise men.

Instances abound in parliamentary history of formal instructions from the constituent to the representative, of which, though doubtless a stricter search would disclose many more, the following may suffice:—In 1640, the knights of the shire for Dorset and Kent informed the Commons, *that they had in charge from their constituents* seven articles of grievances, which they accordingly laid before the House, where they were received and acted on. In the 33d year of Charles II. the citizens of London instructed their members to insist on the bill for excluding the Duke of York (afterwards King James II.) from the suc-

cession to the throne; and their representative said, "that his *duty* to his electors *obliged* him to vote for the bill."—At a subsequent election, in 1681, in many places, formal instructions were given to the members returned, to insist on the same exclusion bill: we know from history, how uniformly and faithfully those instructions were obeyed. Instructions are still extant, on the subject of the relations between England and France in 1701. The peace of Utrecht gave occasion, in 1714, to numerous instructions from various parts of England: those of London, particularly, are in the most authoritative tone. In 1741, the citizens of London instructed their members to vote against standing armies, excise laws, the septennial bill, and a long train of evil measures, already felt, or anticipated; and expressly affirm their right of instruction—"we think it (say they) our *duty*, as it is *our undoubted right*, to acquaint you with what *we desire and expect from you in discharge of the great trust we repose in you*, and what we take to be *your duty as our representative, &c.*" In the same year, instructions of a similar character were sent from all parts of England. In 1742, the cities of London, Bristol, Edinburgh, York and many others, instructed their members in parliament to seek redress against certain individuals suspected to have betrayed and deserted the cause of the people. And in 1769, the city of London instructed its members to guard with watchful diligence the trial by jury, the *habeas corpus* act—and on various other points—It will be remarked, that some of the instances above quoted, relate to points of constitutional law, and some to those of policy; and that most of them occurred about or since the revolution in 1688, at which time, and by which event, the English politicians tell us, their constitution was settled, the rights of the people ascertained, and the powers of every branch of their government limited and defined.

Instances are also on record of the deliberate formal acknowledgment of the right of instruction by the House of Commons itself, especially in old times.—Thus, the Commons hesitated to grant supplies to King Edward III. *till they had the consent of their constituents*, and desired that a new parliament might be summoned, which might *be prepared with authority from their constituents.*—Passing by other ancient precedents, one more instance shall be added, occurring in modern times, in the purest æra of the English constitution, (the reign of William III.) of an acknowledgment by the English Commons (in substance at least, if not in terms) *of their absolute dependence on their constituents*; it will be found in the proposed remonstrance of the Commons, on the occasion of the king refusing his assent to the bill for free and impartial proceedings in parliament. Moreover, we are informed by authentic history, that formerly "when the Commons gave their answer touching the subsidy demanded for the wars, they desired leave to return into the country, to *confer with their neighbours*;" and again, that the Commons "often refused to agree to propositions from the court, for this reason only, *that they could not, till they went home and consulted with their constituents.*"

"*Instructions* (says a member of the House of Commons) ought to be *followed implicitly*, after the member has *respectfully* given his constituents *his opinion* of them: *Far be it from me to oppose my judgment to* 6000 *of my fellow citizens.*" "The practice (says another) of consulting our constituents was *good*. I wish it was continued. *We can discharge our duty no better, than in following the direction of those who sent us hither. What the people chuse is right because they chuse it.*" It were an endless labour to collect a catalogue of illustrious statesmen, the wisest and best England ever saw, who have, from time to time, publicly subscribed to these opinions: but it were impossible not to single out the name of *Russel*, who is particularly recorded to have acceded to the sentiment last quoted.

Without referring to the minor political authors, without number, as they are without fame, who have maintained these positions (quoted from one of them)—

"that the people have a right to instruct their representatives—that no man ought to be chosen that will not receive instructions—that the people understand enough of the interests of the country to give general instructions—that it was the custom formerly to instruct all the members, and the nature of the deputation shews that the custom was well grounded"—it is proper to mention, that the great constitutional lawyer Coke, though he flourished in the days of Queen Elizabeth, (whose attorney-general he was,) when prerogative was stretched to its uttermost bounds, and Sydney the martyr of freedom and republicanism, concur on this head.—Coke says "it is the *custom of parliament*, when any new device is moved for on the king's behalf, for his aid, and the like, that the commons may answer, *they dare not agree to it without conference with their counties.* And Sydney (while he admits that the constituents cannot call the representatives to account, otherwise than by not re-electing them, if they disapprove their conduct,) maintains—"that members derive their power from those that chuse them—that those that give power do not give an unreserved power—that many members, in all ages, and sometimes the whole body of the commons have refused to vote, *till they consulted with those who sent them*—that *the houses have often adjourned to give them time to do so*—and if this were done more frequently, or if cities, towns and counties had on some occasions given instructions to their deputies, matters would probably have gone better in parliament than they have done." In strict unison with these opinions of Sydney, are the inferences deducible from all the principles of government, maintained and established, concerning the nature of political trusts, by the apostle of truth and liberty, the immortal Locke. Blackstone indeed dissents—he denies the right of the constituent to instruct the representative :—but while the praise of classic and of legal learning is universally accorded him, the whigs of England (who concur with us, that government is a trust for the benefit of the governed) have uniformly denied the orthodoxy of his politics. The celebrated Edmund Burke, a man, it must be admitted, of profound knowledge, deep foresight and transcendant abilities, disobeyed the instructions of his constituents; yet by placing his excuse on the ground that the instructions were but the clamor of the day, he seems to admit the authority of instructions soberly and deliberately given; for he agrees, "he ought to look to their opinions," (which he explains to mean their permanent settled opinions) "but not to the flash of the day; and he says elsewhere, that he could not bear to shew himself "a representative, whose face did not reflect the face of his constituents—a face that did not joy in their joys and sorrow in their sorrows." It is remarkable that, notwithstanding a most splendid display of warm and touching eloquence, the people of Bristol would not re-elect Mr. Burke, for this very offence of disobeying instructions.

It appears, therefore, that the right of the constituent to instruct the representative is firmly established in England, on the broad basis of the nature of representation. The existence of that right, there, has been demonstrated by the only practicable evidence, by which the principles of an unwritten constitution can be ascertained—history and precedent.

If in England, from the days of the youth and innocence of Parliament, while, yet the free spirit of her Saxon laws remained in original simplicity and purity —from the earliest, to the latest periods of her eventful history—throughout all the convulsions and vicissitudes she has undergone—the right to instruct their representative has been unceasingly claimed by the people, often exercised, sometimes formally acknowledged, and frequently implicitly obeyed by the House of Commons; if their greatest constitutional lawyers, their purest patriots, their ablest statesmen, and those profound authors, who first revealed to the modern world the true nature of government, have, under various circumstances, and at disjointed periods of time, concurred in sanctioning, to the people of England, this great right of instruction; who should presume to deny to the freemen of America, the same degree of controul over their representatives?

If, in England, over whose government, even in its theory and utmost purity, the people have no direct control, except in one branch of the Legislature—whose system of representation, compared with that of the United States, is at best but a numerous open aristocracy—where the representative is eligible from the great body of the nation, from the wide extent of the empire, without any qualification of local residence—the right of instruction has been uniformly asserted, and admitted, and enjoyed; much more unquestionable is it in the United States, where the people are acknowledged to be the only legitimate source of all legislation—where the representative and constituent bodies are more intimately connected by the constitution—where none can be a representative or senator who shall not, when elected, be an inhabitant of the state for which he is chosen.

It is deeply to be lamented, that in this country, the collection of the opinions of our own wise, good and great men, should be, as it is, so scanty and so rare. The doctrines of statesmen, most deeply skilled in political science, and especially in the principles of representative government, have sunk into oblivion, as themselves have sunk into the grave. The voice of our fathers is heard by their children, only in the murmurs of indistinct tradition—that voice, which might minister light to our minds, harmony to our opinions, stability to our principles, and veneration to our institutions. The authority of American statesmen in support of the general right of instruction, though it were certainly the best, is the least capable of distinct citation. Happily, that is not now necessary: how generally the right of instruction (as between the people and the state governments particularly) has been acknowledged, how little questioned, how often exercised, and how dearly valued, in Virginia at least, the memory of every man must abound with proofs.

The General Assembly therefore rest satisfied, that, in exercising the right of instructing the senators in Congress, it has advanced no novel pretension, as it will presently appear it has made no unjust one: and that, if example could justify disobedience to such a command, even that justification is wanting on the present occasion.

To view the subject upon principle.—The right of the constituent to instruct the representative body seems to result, clearly and conclusively, from the very nature of the representative system. Through means of that noble institution, the largest nation may, almost as conveniently as the smallest, enjoy all the advantages of government by the people, without any of the evils of democracy—precipitation, confusion, turbulence, distraction from the ordinary and useful pursuits of industry. And it is only to avoid those and the like mischiefs, that representation is substituted for the direct suffrage of the people in the office of legislation. The representative, therefore, must, in the nature of things, represent his own particular constituents only. He must, indeed, look on the general good of the nation; but he must look also, and especially to the interests of his particular constituents as concerned in the common weal; because the general good is but the aggregate of individual happiness. He must legislate for the whole nation: but laws are expressions of the general will: and the general will is only the result of individual wills fairly collected and compared: in order to which collection and comparison, (that is, in order to express the general will, in order to make laws) it is plain that the representative must express the will, and speak the opinions of the constituents that depute him.

It cannot be pretended that a representative is to be the organ of his own will alone; for then, he would be so far despotic. *He must be the organ of others*—of whom? not of the nation, for the nation deputes him not; but of his constituents, who alone know, alone have trusted, and can alone displace him. And if it be his province and his duty, in general, to express the will of his constituents to the best of his knowledge, without being particularly informed thereof; it seems impossible to contend, that he is not bound to do so, when he is so specially informed and instructed.

The right of the constituent to instruct the representative, therefore, is an essential principle of the representative system. It may be remarked, that wherever representation has been introduced, however unfavorable the circumstances under which it existed, however short its duration, however unimportant its functions, however dimly understood—the right of instruction has always been regarded as inseparably incidental to it. Not to mention other instances, which history affords, we are informed that "the *procuradores*, or members for *Castile* in the corte held at Madrid in the beginning of the reign of *Charles* V. excused themselves from granting the supplies he desired, *because they had received no orders from their constituents*; and afterwards receiving express orders not to do it, they gave *Charles* a flat denial. The same was the custom in France before that country was enslaved. The General Assemblies being laid aside, the same custom is still (latter end of 17th century) used in the lesser assemblies of the states in *Languedoc* and *Bretagne*."

It is a maxim of all governments founded on contract, that no man be bound by laws to which he has not given his assent, either directly, or mediately by his representative, or virtually through representatives chosen by his fellow citizens, amongst whom he dwells, having the same general and local interests with himself. If the right of the constituent to instruct the representative be denied, a law might be enacted, according to all the forms of the constitution, and yet contrary to the very express will of every man in the community, the individual representatives themselves only excepted. If one representative may disobey the instructions of his constituents, the whole representative may disobey the whole constituent body. If then, a law were proposed, against which the nation solemnly and unanimously protested, and which the people with one voice instructed their representatives to oppose; if the representative might *lawfully* disobey, and should *in fact* disobey such instruction; here would be a law, binding on the people, enacted not only without, but directly against their consent.

A representative has indeed a wide field of discretion left him; and great is the confidence reposed in his integrity, fidelity, wisdom, zeal; but neither is the field of discretion boundless, nor the extent of confidence infinite: and the very discretion allowed him, and the very confidence he enjoys, is grounded on the supposition, that he is charged with the will, acquainted with the opinions, and devoted to the interests of his constituents.

But although the position be admitted, which indeed it seems impossible to deny, that the people have a right to instruct their immediate representatives, or that the people composing each state in their sovereign capacity, may instruct their Senators in Congress; it may still be denied, that the state legislatures have any such right of instruction.

It is obvious to remark, in the first place, that those who allow to *the people of each state* the exercise of this act of sovereignty, the instruction of their senators, and deny the same power to the *state legislatures*, give us the empty theory, and deny us the beneficial practice of such instructions. It is difficult to conceive how the *people* can give such instructions, otherwise than thro' their *state legislatures*.

The several state constitutions—saving to the people the sole right to alter, amend or abolish the forms of government—saving certain other great natural rights, which the legislatures are forbidden to touch—and excepting certain powers, specified in the constitution of the United States, which are transferred by the people and by the states, from the state governments to the general government—do certainly vest in the state legislatures every power and attribute of sovereignty, which the people themselves would otherwise exercise in person. Those legislatures are, in fact, in the daily exercise of all powers belonging to the state sovereignty, except those thus forbidden to them. Now, the power to instruct the senators of the states in Congress has not been forbidden by the state constitutions to the state legislatures, and retained by the

people in their own hands. Therefore, the state legislatures may exercise this act of sovereignty, this right of instructing their senators, as properly as they may exercise any of those powers, which they exercise daily, without any doubt about their right, and which yet are not granted to them by any express delegation.

Of this doctrine, the whole history of all the American governments proves the justness. The *state legislatures* sent deputies to the first Congress; *they* formed the old articles of confederation of the United States; *they* sent deputies to the federal convention that framed the present constitution; and *they* called the conventions of the people which ratified that constitution. Had they any express grant of power to perform these important acts? Yet, was it ever doubted, that they had a rightful power? All these great acts of sovereignty are as much beyond the range of ordinary state legislation, as is this power of instructing Senators.

But this right of the state legislatures to instruct their Senators in Congress is yet more conclusively demonstrable from a view of the federal constitution, taken with its context, the old articles of confederation.

The articles of confederation were certainly nothing more than a perpetual solemn league and covenant between the state sovereignties. The federal convention was deputed to amend them. It, however, proposed a new system, which, in its construction of the House of Representatives, departs from the principles of the league, and is clearly national; but in that of the Senate adheres to those principles, and is clearly federative—federative, as well in the equality of representation as in the mode of election. This was no more, in effect, than engrafting so much of the former league upon the new constitution; making that branch of the government, as the whole had formerly been, the representative of the state sovereignties; and placing it, like the Congress under the articles of confederation, under the influence of the state legislatures. Now, the right of the state legislatures to instruct their delegates in Congress, under the confederation, never was doubted. The senators under the present constitution stand in the same relation to the state government. The Senate was designed, in truth, to form the balance of the new constitution; to check the consolidating tendencies of the other principles of the system, and to preserve the state governments inviolate. Such was certainly the contemporaneous exposition of the subject.

It has been asked by some, if the state legislatures may instruct their Senators, why may not the colleges of presidential electors instruct the president? The right of the state legislatures to instruct their Senators rests not solely on the ground that they elect them; but if it did, there is no similitude between the electoral and legislative body, in regard to the right of instruction. Instead of a parallel, there runs a contrast between them. The former exists, but a few weeks, is created for a single purpose, and when that is answered, is dissolved forever: the latter may be regarded as always in existence, is created for general purposes, and is the fair representative of the state sovereignties.—No one electoral body elects the President and Vice-President; each gives only the vote of one state; no one of them therefore can, with any colour of right, claim controul over officers elected by the electors of all the states: whereas the state legislatures have the exclusive election of their Senators, who return to them for re-election. Every facility for action too is possessed by the one; to the other it would be impracticable to act at all. Besides, the President and the Senators are officers of very different character: *he* is truly the representative of the whole nation, elected by all, responsible to all; *they* are the representatives of the states, elected by the states, responsible to the states; and we naturally look to our particular representatives, to promote the objects we have at heart. *To instruct the President* were absolutely impossible.

It has been urged, that if the state legislatures may instruct their Senators in Congress, so may also the state executives. But the state executives are clearly, in no case, the electors of the senators; they are vested with the appointment

during the recess of the legislatures, from mere necessity. And it is not the executive, but the legislative bodies of the states that are clothed with the state sovereignties: this is the great distinction.

The power of the state legislatures to interpose on questions of deep political interest, in the affairs of the general government, by way of instruction to their senators, and the obligation of such instructions, are sustained by authorities, the weight of which will not be resisted.

The celebrated authors of the Letters of *Publius* speak the following unequivocal language: "If the majority (in the general government) should be really disposed to exceed the proper limits, the community will be warned of the danger, and will have an opportunity of taking measures to guard against it. Independent of parties in the national legislature itself, *as often as the period of discussion* arrived, *the state legislatures*, who will always be not only vigilant but suspicious and jealous guardians of the rights of the citizens *against encroachments from the federal government*, will constantly have their attention awake to the conduct of the national rulers, and will be ready enough, if any thing improper appears, to sound the alarm to the people, and *not only to be the voice*, but if necessary, *the arm of their discontent.*" And again—"It may safely be received as an *axiom* in our political system, that the state governments will, in all possible contingencies, afford complete security against invasion of the public liberty by the national authority. *Projects of usurpation cannot be masked under pretences so likely to escape the penetration of select bodies of men, as of the people at large.* The legislatures will have better means of information. They can discover the danger at a distance; and possessing all the organs of civil power, and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community. They can readily communicate with each other in the different states, and unite their common forces for the protection of their common liberty." Even the Federalist, then, agrees, that the state legislatures may interpose to prevent danger, or to resist usurpation; proportioning their opposition to the magnitude of the evil. But how interpose? By sowing the seeds of faction in silence? or by arms? or by public and dignified instructions? Let not those who deprecate intestine feuds and civil wars, deny the right or obligation of instructions.

The session of the General Assembly of Virginia, of 1799–1800, is memorable for "the report of a committee, to whom was referred the communications of various states, relative to the resolutions of the (then last General Assembly of this state, concerning the alien and sedition laws." In this celebrated state paper, authoritative for the reasoning it contains, it became necessary to defend the state right of interposition in the affairs of the general government; and it is stated "to be a plain principle founded in common sense, illustrated by common practice, and essential to the nature of compacts, that where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort, whether the bargain made has been pursued or violated. The constitution of the United States was formed by the sanction of the states, given by each in its sovereign capacity. It adds to the stability and dignity, as well as the authority of the constitution, that it rests on this legitimate and solid foundation. The states then, being parties to the constitutional compact, and in their sovereign capacity, it follows of necessity, that there can be no tribunal above their authority, (it is the sovereign authority of the states exercised by the Legislatures that is here spoken of) to decide in the last resort, whether the compact made by them be violated; and consequently, that as parties to it, they must themselves decide in the last resort, such questions as may be of sufficient magnitude to require their interposition."

If the passages above cited be orthodox, the main proposition which hath been above urged, to prove the right of a state legislature to instruct its senators, is established—*that the state legislature is clothed with the general attributes of the state sovereignty.* Those doctrines, too, afford a plain inference, that instructions

from the constituent Legislatures to their Senators in Congress, are public acts within the sphere of that portion of the state sovereignty, not retained by the people, nor delegated by the constitution of the United States to the general government, but represented and possessed by the state legislatures.

And if those doctrines be correct, there will be an end also to that distinction, which has been insisted on, between instructions on constitutional points, which have been said not to be obligatory on a senator, and instructions on matters of policy, which are allowed to be obligatory. On the contrary, it would appear, that if there be any difference in the obligation of such instructions, those of the former description are of the stronger obligation; since the infraction of the bond of union gives the states the strongest claim to interfere; though measures of evil policy might be attempted, which would equally jeopardize the independence of all, and consequently the happiness of each, as any violation of the constitution.

The General Assembly will not offer additional argument to fortify the conclusive reasoning of The Federalist, or of the Assembly in 1799–1800, above referred to.

At the Session of the General Assembly of 1799–1800, also, various instructions were given to our then Senators in Congress. It is believed that neither the right, nor the obligation of those instructions was then questioned.—It cannot escape observation, that those instructions, as well as the report above mentioned, are sanctioned with the recorded assent of the same honorable Senator, who has since denied the *obligation* of the *senator* to *obey*, while he admitted the *right* of the *state legislature* to *instruct*; which is precisely the relation, not between the state legislature and senator, but between it and a member of the house of representatives: a senator is *instructed*; a representative *requested*. The honorable senator formerly voted to *instruct* our senators and to *request* our representatives. To *instruct*—is not merely to *recommend*: an *instruction* to a senator, in contradistinction to a *request* to a representative, implies a *command*. It is useless to offer proof, that the *right* to *command* implies *the duty to obey*. And it is hoped, that the language of the honorable senator was either not maturely considered or not correctly reported.

It hath been stated to the world, that the Legislature of Virginia instructed their Senators in 1808, to use their *best endeavors* to obtain amendments to the Constitution of the United States, which would, in effect, give the State Legislatures the right of recalling their respective Senators in Congress;—and that this instruction was *substantially* disobeyed. The fact may have been as stated. It is only mentioned here, that it may be remarked, that it passed without censure, only because it passed without notice. It never was understood as an act of resistance to instructions.

Various objections have been urged to this claim of the constituent, of a right to instruct the representative, on which it may be proper to bestow some attention.

The first objection that comes to be considered, lies chiefly against *the right of the people to instruct their immediate representatives*; and is grounded on the supposed impossibility of fairly ascertaining the sense of the constituent body. The *impossibility* is denied; it may often be matter of great *difficulty*. But then the duty of obedience resolves itself into a question, not of principle, but of fact—whether the right of instruction has been exercised or not. The representative cannot be bound by an instruction that is *not given*; but that is no objection to the obligation of an instruction *actually given*. And, at least, this objection cannot apply to instructions voted by a state legislature.

It has been urged, that representatives are not bound to obey the instructions of their constituents, because the constituents do not hear the debates, and therefore cannot be supposed judges of the matters to be voted. If this objection have force enough to defeat the right of instruction, it ought to take away, also the right of rejecting the representative at a subsequent election. For it might

be equally urged on that occasion, as against the right of instruction, that the people heard not the debate that enlightened the representative's mind—the reasons, that convinced his judgment, and governed his conduct. If the right of instruction be abandoned on this ground, the right of rejection should be yielded also. In other words, the principle, that mankind is competent to self government, should be renounced. The truth is, that our institutions suppose, that, although the representative ought to be, and generally will be, selected for superior virtue and intelligence, yet a greater mass of wisdom and virtue still reside, in the constituent body, than the utmost portion allotted to any individual.

But it has been said, that a state government may instruct its senators to violate the constitution of the United States—that a state, in actual insurrection against the general government, may instruct its senators to promote the cause of rebellion: and it is asked, whether the senator would be bound by such instruction, to violate the constitution he had sworn to preserve, and to overthrow the government he had sworn to defend?

It may be answered, in the first place, that the particular instruction, which forms the subject of present consideration, could by no possibility involve a breach of the constitution of the United States. It might, and in the opinion of this Assembly, would have been unconstitutional to charter the bank of the U. States anew; but surely, it could not possibly be deemed unconstitutional not to charter it.

As to the rest, without determining the point, which has been taken for granted, that a state in open rebellion against the general government would still be entitled to it's representation in the Senate of the U. States, which, to say the least is extremely doubtful—it is admitted without difficulty, that if a state instruct its senator to give a vote plainly unconstitutional, or to raise the standard of rebellion, the senator is *not* bound to obey such instruction. Every case, such as that supposed, must stand upon its own peculiar circumstances: it supposes all bounds of right transcended, all legitimate rule prostrated: and the propriety of opposition must be determined by the nature of the injustice, the extent of the mischief, and the prudence of resistance. But it is no argument against the exercise of a lawful power, that it may be made the pretext for the assumption of an unlawful power. The right of instruction, rightfully exercised, with no evil intention, to no pernicious object, cannot be affected by the admission, that, if either a state government, or the general government, become corrupt and ambitious, and usurp tyrannical power, it may of right, and ought to be resisted. The admission is cheerfully made. The General Assembly of Virginia is incapable of affirming the exploded doctrine of non-resistance.

Finally, it has been objected, that the instructions of the constituent are not obligatory on the representative, because the obligation insisted on is fortified with no sanction; the representative cannot be punished for his disobedience, and his vote is valid, notwithstanding his disobedience. It is true that there is no mode of legal punishment provided for this offence, this default of duty; and that the act of disobedience will not invalidate the vote. It is true, too, that a representative may perversely advocate a measure which he knows to be ruinous to his country; and that neither his vote will be invalidated by his depravity, nor can he be punished by law for his crime, heinous as it surely is. But it does not follow, that the one representative is *not bound to obey the instructions of his constituents*, any more than that the other is not bound to obey the dictates of his conscience. Both duties stand upon the same foundation, with almost all the great political and moral obligations. The noblest duties of man are without any legal sanction; the great mass of social duties—duties the most important, most sacred, most useful—our duties to our parents, to our children, to our wives, to our families, to our neighbour, to our country, our duties to God, are, for the most part, without legal sanction, yet surely not without the strongest obligation. The duty of the *representative* to obey the instructions of the *constituent* body cannot be placed on higher ground.

Such are the opinions of the General Assembly of Virginia, on the subject of this great right of instruction, and such the *general* reasons on which those opinions are founded. The subject is susceptible of various other, and very strong views, which are not pretermitted because they are not understood, but because they are deemed unnecessary.

1. *Resolved therefore,* That this Assembly doth highly and equally disapprove the conduct of both the Senators of this state in Congress, in relation to the subject of the Bank of the United States, and to the instructions concerning the same, given to the said Senators by the General Assembly at the last session.

2. *Resolved,* That it is the indubitable right of the State Legislatures to instruct their senators in Congress, on all points, either constitutional or politic, whenever the magnitude of the occasion shall require such interference; and that, by consequence, it is the bounden duty of the Senators to obey such instructions; provided the instructions to be given and obeyed require not the Senator to commit a violation of the Constitution, or an act of moral turpitude.

3. *Resolved,* That, after this solemn expression of the opinion of the General Assembly, on the right of instruction, and the duty of obedience thereto, no man ought henceforth to accept the appointment of a Senator of the United States from Virginia, who doth not hold himself bound to obey such instructions.

RESOLUTION

Requesting the Executive to transmit copies of the Preamble and Resolutions, on the subject of the Right of Instruction.

[Agreed to by both Houses, February 20th, 1812.]

RESOLVED, That the Executive be requested to transmit a copy of the Preamble and Resolutions adopted by both Houses of Assembly, at the present session, on the subject of the right of the State Legislatures to instruct the Senators of the several States in Congress, and the conduct of the Senators of this state, in regard to instructions given them at the last session of Assembly, to each of the Senators of this state in Congress, and to the Executives of each of the United States.

TITLES OF ACTS,

OF A PRIVATE AND LOCAL NATURE,

PASSED SINCE THE SESSION OF ASSEMBLY, WHICH COMMENCED IN DECEMBER 1807.

SESSIONS ACTS OF 1808.

Chap. 30. An act establishing an inspection of Flour in the county of Amherst.

31. An act exonerating John Swearingen, sheriff of Brooke county, from the damages of a judgment therein mentioned.

32. An act legalizing the appointment of Overseers of the Poor in Hampshire and Warwick counties.

33. An act for incorporating Trustees of an Academy in Frederick county.—☞ Trustees of Stephensburg Academy incorporated.

34. An act exonerating William Armistead, sheriff of Elizabeth-City county, from the damages of a judgment therein mentioned.

35. An act allowing a further time to the owners of Lots in Planters Town to improve the same.

36. An act allowing a further time to the owners of Lots in the town of Martinsville to improve the same.

37. An act to explain the act, entitled "an act to amend the act concerning the town of Mecklenburg, in the county of Berkeley.

38. An act releasing the Commonwealth's right to a Lot of Land in the town of Wheeling to Thomas Baird.

39. An act releasing to Robert Park the right of the commonwealth to certain Lots of ground therein mentioned.

40. An act releasing to Sarah B. Campbell the right of the commonwealth to certain Lands therein mentioned.

41. An act fixing the permanent seat of Justice for the county of Nelson.

42. An act divorcing Nancy Bayne from her husband Griffin Bayne.

43. An act divorcing Margaret Brough from her husband Thomas Brough.

44. An act encreasing the reward for killing Wolves in certain counties therein mentioned.

45. An act for dividing the county of Kanawha, and for other purposes.—Cabell county established.

46. An act to incorporate the Halifax Manufacturing Society.

47. An act releasing the damages due on a judgment obtained on behalf of the commonwealth against Benjamin Winslow and Winslow Parker.

48. An act concerning Philip Dawe.

49. An act divorcing Elizabeth Kimberlin from her husband Martin Kimberlin.

50. An act releasing James Nimmo from the payment of a judgment therein mentioned.

51. An act establishing an inspection of Tobacco in the town of Petersburg.—McRae's Ware-house established.

52. An act concerning Samuel Kerfoot.

53. An act to incorporate the Trustees of an Academy in the town of Manchester.

54. An act releasing to Nicholas Gautier the commonwealth's right to certain Land therein mentioned.

55. An act concerning John Stewart.

56. An act to incorporate the Culpeper Agricultural and Manufacturing Society.

57. An act concerning certain Fines assessed on Peter Beverley Whiting in his lifetime, and on his executrix since his death.

58. An act reviving the inspection of Tobacco at the town of Brookneal, in the county of Campbell, and for other purposes.

59. An act remitting certain damages and interest to Samuel Ritchie.

60. An act dissolving a marriage solemnized between West Alricks and Ann Peyton.

61. An act relative to the Election of Trustees of Lynhaven Parish.

62. An act authorising Caleb Hart to remove the obstructions to navigation in Hyco River, within a certain distance therein mentioned, and for other purposes.

63. An act to supply the deficiencies in the appropriations of last year.—☞ By this act the sum of $ 30,000 was appropriated to supply such deficiencies *generally*.

64. An act to establish an Academy in the county of Caroline.

65. An act making provision for opening a road from Botetourt court-house to the Sweet-Springs.

66. An act for removing certain Causes from the Court of Amherst county to that of Nelson county.

67. An act releasing to the widow and heirs of Richard Lewis the right of the commonwealth to a certain Lot of Land therein mentioned.

68. An act concerning David Castleman and William Stubblefield, and for other purposes.—☞ The 2d section is of a *public* nature, and therefore this act is inserted in the supplement, *ante* p. 142.

69. An act allowing farther time to the owners of Lots in the town of Beverly to improve the same.

70. An act authorising the collection of certain Taxes due in Prince George county, for the year one thousand eight hundred and five.

71. An act making provision for opening and improving a waggon road from the Hot Springs to the confluence of the Cow Pasture and Jackson's River; also for repairing the main road from the Warm Springs across the Warm Spring Mountain and Mill Mountain.

72. An act concerning certain Lands supposed to belong to Drysdale Parish.

73. An act appropriating a sum of money, for repairing and providing additional Furniture for the use of the Governor of this Commonwealth, and for other purposes.

74. An act placing certain persons therein mentioned on the pension list.—☞ The names of these pensioners were, Charles Crook, Sarah Anne Dye, William Naile, alias Nogle, John Rudd, Lydia Tackett, Alexander Bunton and Thomas Poor.

75. An act amending the act, entitled "an act preventing obstructions to the passage Fish down James River."

76. An act to incorporate the Petersburg Manufacturing Society.

77. An act establishing a Town on the lands of James Loving in the county of Nelson.—☞ Lovingstown established.

78. An act to amend an act, "entitled an act, to incorporate a Company for establishing a Turnpike road from the intersection of Duke Street in the town of Alexandria, with the west line of the District of Columbia, to the ford of Little River, where the Turnpike Road now crosses it."

79. An act authorising a duplicate of a certain warrant to be issued to John Minor.

80. An act appropriating the Money arising from the sale of the Glebe Lands of Lunenburg and Farnham Parishes, in the county of Richmond.

81. An act to amend the act entitled "an act for opening a new street in the town of Petersburg."

82. An act authorising the Register of the Land Office to appoint an additional clerk.

83. An act releasing, for the purposes therein mentioned, the right of the commonwealth to a certain tenement whereof William Frederick Ast died seized.

84. An act to provide for keeping in repair the State Road from the upper navigation of James River to the upper navigation of Kanawha river.

85. An act concerning Samuel G. Adams.

86. An act for the relief of Sarah De Pass.

87. An act to repeal the act entitled "an act concerning Clement Shackleford, administrator of the estate of John Algood deceased."

88. An act to incorporate a company to establish a Turnpike from the town of Leesburg, in Loudoun county, to the Little River Turnpike.

89. An act to reduce the width of certain streets on Shockoe Hill in the city of Richmond.

90. An act concerning certain certificates and Warrants found among the papers of John Pendleton, deceased.

91. An act divorcing Isaac Fouch from his wife Elizabeth.

92. An act concerning James Scott.

93. An act incorporating a company to cut a Canal from the port of Norfolk through the eastern branch of Elizabeth River, to the channel of Currituck Sound.—☞ "The Great Coastwise Canal and River Navigation Company," incorporated.

94. An act exonerating William Trice from certain Forfeitures and Penalties therein mentioned.

95. An act authorising James Stephenson to remove into this state a Negro Girl named Sarah.

96. An act allowing the executor of John Harvie, deceased, to pay, by instalments, the judgment therein mentioned.

97. An act concerning the representatives of James M'Ilhany.

98. An act concerning John H. Winder.

99. An act for paying the Officers of the General Assembly for their services during the present session.

100. An act exonerating John Neale from the damages on a judgment therein mentioned.

101. An act to amend the act entitled "an act, appointing an Agent to recover and receive certain money due this commonwealth in the state of Kentucky."

102. An act concerning Henry Bowen.

103. An act for altering the days of holding certain courts in the counties of Harrison, Franklin and Berkeley.

104. An act concerning the sheriff of Norfolk county.

105. An act relative to the Taxes of Ohio and Brooke counties.

106. An act making provision for paying certain Witnesses.

SESSIONS ACTS OF 1809.

Chap. 25. An act incorporating Trustees of an Academy in the town of Berryville, in Frederick county.——☞ "The Trustees of Berryville Academy," incorporated.

26. An act concerning the town of Moorefield in the county of Hardy.

27. An act for altering the place of holding Courts for the county of Warwick

28. An act to suspend the operation of part of the act, entitled "an act authorising John Wimbish to erect a dam across Banister River."

29. An act authorising a sale of a certain Tract of Land in Middlesex county, devised by Alexander Frazier, deceased, for the benefit of a Free School.

30. An act placing John Harper on the Pension List.

31. An act authorising the clerk of the Superior Court of Mecklenburg county to keep his Office at Lombardy Grove in the said county.

32. An act for paying a sum of Money to Henry Savane.

33. An act authorising a sale of the Church Plate in the Parish of Southwark, in the county of Surry.

34. An act incorporating the town of Clarksburg, in the county of Harrison.

35. An act increasing the Salaries of the Inspectors at McRae's Warehouse, in the town of Petersburg.

36. An act to prevent obstructions to the passage of Fish in Pig river.

37. An act establishing an Inspecti- of Flour at Williams's Ferry in the county of King William.

38. An act authorising Samuel

Holmes to discharge a certain judgment of the commonwealth, in the manner therein mentioned.

39. An act giving further time to the owners of Lots in certain towns therein mentioned to improve the same.—☞ The towns mentionod are, Bethel in Amherst, Bernardsburg in Fluvanna, and Buckland in Prince William.

40. An act concerning Randolph Harrison.

41. An act establishing several towns.—☞ Springfield and Warrenton, in Fauquier county; Triggsville, in Montgomery county; Aldie, in Loudoun county; and Guyandotte in Cabell county, established.

42. An act authorising John Ashlin, to erect a Dam across the Rivanna river.

43. An act releasing the right of the commonwealth to certain lands therein mentioned, to the relict and children of John Carolin.

44. An act refunding a sum of Money to Thomas Smith.

45. An act appointing Trustees for certain purposes therein mentioned.

46. An act making compensation for the Tobacco destroyed by the burning of Nicholas's Warehouse, and for other purposes.

47. An act concerning the Sheriffalty of Nelson county.

48. An act establishing an Inspection of Flour at New Market, in the county of Nelson.

49. An act concerning James Rose.

50. An act incorporating a company to establish a Turnpike Road from Fredericksburg to Swift Run Gap in the Blue Ridge.

51. An act authorising the Common Hall of the town of Petersburg to appoint a Master of Police, and for other purposes.

52. An act concerning the Great Hunting Creek Bridge Company.

53. An act concerning Morgan Tomkies, late Sheriff of Gloucester.

54. An act to authorise the County Court of Randolph to sell part of the public Lots in the town of Beverley.

55. An act authorising Thomas Purdie to erect a Toll Bridge from the town of Smithfield, across Pagan Creek.

56. An act to authorise the Executive to commission the Fourth Inspector of Tobacco at Johnson's Warehouse, in the town of Manchester.

57. An act increasing the Capital Stock of the Great Hunting Creek Bridge Company.

58. An act concerning Patience and her children.

59. An act releasing to William Coleman the commonwealth's right to certain Land therein mentioned.

60. An act to establish an Inspection of Tobacco in the town of Tappahannock, in the county of Essex.—☞ Tappahannock Warehouse established.

61. An act concerning Yeates's Free Schools in Nansemond county.

62. An act concerning the state road from the upper Navigation of James River to the upper Navigation of Kanawha.

63. An act remitting a Fine imposed upon Joseph Pullen.

64. An act concerning the Little River Turnpike Company.

65. An act to amend an act, entitled an act incorporating a Company to establish a Turnpike Road from the Little River Turnpike Road to Fauquier Courthouse.

66. An act for adding part of the county of Patrick to the county of Grayson.

67. An act to amend the act, entitled an act, appropriating the proceeds of the sale of the Glebe Lands in the county of New Kent and for other purposes.

68. An act concerning Germantown, in the county of Franklin.

69. An act authorising the sale of the Glebe of Kingston Parish in the county of Mathews and for other purposes.

70. An act authorising John Jordan and John Morehead to build a Toll-bridge over the north branch of James river.

71. An act divorcing Abner W. Clopton from his wife Sally.

72. An act authorising the President and Directors of the Leesburg Turnpike Company to erect Toll Bridges over Broad Run and Goose Creek.

73. An act authorising the Emanci-

pation of George Simmons, a man of colour.

74. An act authorising John Mitchell to introduce and hold within this commonwealth certain slaves therein mentioned.

75. An act authorising John S. Smith to hold within this state a certain slave therein mentioned.

76. An act allowing a further time to the owners of Lots in the town of Salem, in the county of Fauquier, to build thereon.

77. An act for reviving an Inspection of Tobacco at Swan Creek Warehouses, in the counties of Buckingham and Nelson.

78. An act to incorporate the Goochland Manufacturing Society.

79. An act concerning William Preston.

80. An act authorising Polly Coleman to introduce and hold a certain slave within this commonwealth.

81. An act to scale the Certificate Tax due from the counties of Montgomery, Wythe, Grayson, Tazewell and Giles, for the year seventeen hundred and eighty three.

82. An act incorporating a company to establish a Turnpike Road from the Little River Turnpike Road, thro' Snickers's Gap in the Blue Ridge to Shenandoah River towards Winchester.

83. An act for the relief and indemnity of William Parsons and Thomas Hughes, and for other purposes.

84. An act providing for the reception of Flour in the Public Warehouse.

85. An act authorising James M'Lenny to recover the amount of certain Taxes due in Nansemond county.

86. An act appropriating the Proceeds of the Glebe Land and other property belonging to the Parish of Westover, in Charles City county, and for other purposes —☞ Trustees of the "Charles City Charity School" incorporated.

87. An act authorising Jean Read to introduce certain orphans' slaves within this commonwealth.

88. An act Incorporating a Company to pave a Road from the western extremity of the Little River Turnpike Road, through Ashby's Gap to Shenandoah River.

89. An act authorising Permelia Burrus to remove certain slaves into this commonwealth.

90. An act concerning the town of Smithfield.

91. An act authorising John Wilson, guardian of William W. Elam and Nancy Elam, to remove certain slaves into this commonwealth.

92. An act placing Sampson Henderson on the List of Pensioners.

93. An act authorising a sale of the public Property at the Point of Fork.

94. An act appointing additional Commissioners to superintend the Turnpike Road over the South Mountain, at Rockfish Gap.

95. An act authorising Elizabeth Morris to bring certain slaves into this state.

96. An act authorising a Toll Bridge over the North Branch of Rappahannock River, at Norman's Ford.

97. An act to authorise the Overseers of the Poor for the county of Essex to receive of John Montague, executor of William Jones, a certain Legacy, and for other purposes.

98. An act concerning the Clerk of the Superior Court of Surry county.

99. An act altering the time of holding Courts in certain counties.—— ☞ Viz. in Washington, Montgomery, Greenbrier, Kanawha, Mason, Rockbridge, Ohio, Nelson, Albemarle, Fluvanna, Mecklenburg, Cabell, Giles, Hardy and Henry; and the town of Lynchburg.

100. An act releasing to David Doyle the commonwealth's right to the Lands whereof Richard Smyth died seized.

101. An act to authorise Margaret Ker Robins to retain certain slaves within this state.

102. An act authorising John A. Verdell to retain a certain slave in this state.

103. An act authorising Rebecca Johnson to bring within this state certain slaves therein mentioned.

104. An act authorising Elizabeth Sturdivant, administratrix of Robert Sturdivant, deceased, to introduce certain slaves into this state.

105. An act to amend an act concerning an Academy in the county of Brunswick.

106. An act to authorise the Clerks of the Superior Courts of Lee, Russell, Tazewell and Giles to transcribe into well bound Books the Orders of the said Courts for the year one thousand eight hundred and nine.

107. An act to appoint Trustees for Morgantown, in the county of Monongalia, and for other purposes.

108. An act for paying the Officers of the General Assembly for their services during the present session.

109. An act to increase the Salary of the Auditor of Public Accounts.

110. An act for increasing the Salary of the Clerk of Accounts in the the Auditor's Office.

111. An act making provision for paying certain Witnesses, and for other purposes.

112. An act to amend the act, entitled, an act establishing a Turnpike Road between the town of Manchester and Falling Creek, on the Buckingham Road.

113. An act divorcing Leonard Owen from his wife Nancy.

114. An act legalizing certain official acts performed by Edward C. Davis, as Register of the Land Office, and for other purposes.

115. An act authorising Richard H. Walker guardian of Edmund H. Vaughan to remove certain slaves into this state.

SESSIONS ACTS OF 1810.

Chap. 19. An act appointing commissioners to view, mark out and open a Road from the North Carolina Line across Taylor's Ferry, through certain counties therein mentioned to Manchester, and for other purposes.

20. An act to incorporate a company for opening a Turnpike Road from that already established by law through Rockfish Gap, to Scott's ferry on James River.—☞ "Albemarle Turnpike Company" incorporated.

21. An act providing for the Pavement of the streets within the City of Richmond.

22. An act providing for the opening a Road from the mouth of Bluestone River, to the mouth of Lower Loop Creek.

23. An act to appropriate certain Funds arising from the sale of the Glebe Lands, in Albemarle county, to the establishment of Public Schools in the said county.

24. An act appropriating certain Taxes due prior to the year 1790, to the establishment of the Turnpike Road leading from Fredericksburg to Swift Run Gap.

25. An act for opening, improving and extending the navigation of the River Rappahannock, and all its improvable branches.

26. An act incorporating a company for improving the Navigation of Rivanna River.

27. An act incorporating a company to establish a Turnpike from the termination of Hunting Creek at Dogue Run, to the Occoquan.—☞ "Occoquan Turnpike Company" incorporated.

28. An act authorising John Lynch, senior, to build a Toll Bridge across James River, at the Town of Lynchburg, and for other purposes.

29. An act authorising John Ward to erect a Toll Bridge across Staunton River.

30. An act to amend an act, entitled an act for regulating the Navigation of James River, above the Falls of the said River.

31. An act to incorporate a Company for the purpose of clearing out and rendering navigable Meherrin River.

32. An act concerning the Potomac Company.

33. An act authorising an Agent to subscribe for shares in the Ohio Canal Company.

34. An act appointing Commissioners to explore the Upper Navigation of James River.

35. An act to raise a sum of money by Lottery for the purpose therein mentioned.—☞ Ten thousand dollars

to be raised for the benefit of the Lower Appomattox Company.

36. An act to declare Middle Island Creek a Public Highway.

37. An act Incorporating a Manufacturing Society in the town of Occoquan in the county of Prince William. —☞ Occoquan Manufacturing Society" incorporated.

38. An act to incorporate a company in the borough of Norfolk, for Marine Insurances, and other purposes.—☞ "Union Insurance Company of Norfolk" incorporated.

39. An act appropriating the Arrears of Taxes due from the county of Randolph prior to the year one thousand eight hundred and eight.

40. An act to appropriate the Muster Fines of certain counties, and for other purposes.

41. An act authorising the corporation of Norfolk borough to erect Lamps in the said borough for the purpose of lighting the same, and to point out the mode in which the same shall be executed.

42. An act incorporating a Water Company in the town of Monroe in the county of Botetourt.—☞ "The President and Managers of the Fincastle Water Company" incorporated.

43. An act incorporating the Mechanical Benevolent Society of the borough of Norfolk.

44. An act concerning Old Point Comfort, the property of the commonwealth, in the county of Elizabeth City.

45. An act authorising a majority of the commissioners of the Lottery for the benefit of William and Mary College, to tranfer the right of raising by Lottery a certain sum therein mentioned.

46. An act to amend an act, entitled "an act, appropriating the money arising from the sale of the Glebe Lands of Lunenburg and Farnham Parishes, in the county of Richmond."—☞ "The Trustees of the Lunenburg and Farnham Charity School" incorporated.

47. An act appropriating the money arising from the sale of the Glebe Lands in the county of Orange, and for other purposes.—☞ Orange Humane Society" incorporated.

48. An act providing for the reception of Flour in the public warehouse at Petersburg, and for other purposes.

49. An act authorising the Courts of certain counties to allow a reward for killing Crows within the same.

50. An act establishing an Inspection of Tobacco in the city of Richmond. ☞ "Seabrook's Warehouse established."

51. An act appointing commissioners to collect certain monies due the county of Stafford, and for other purposes.

52. An act incorporating the Female Humane Association of the city of Richmond.

53. An act to amend an act, entitled an act to establish an Academy in the county of Caroline.—☞ "The Rappahannock Academy established."

54. An act incorporating a Library Company in the town of Waterford, in Loudoun county.

55. An act authorising the erection of a Bridge across Back river, in the county of Elizabeth City, and for other purposes.

56. An act authorising John Bryson to open a road through the Blue Ridge, in the county of Grayson.

57. An act encreasing the Powers of the Trustees of the town of Falmouth, in the county of Stafford.

58. An act directing the Wardens of the Port of Norfolk to perform certain duties therein mentioned, and for other purposes.

59. An act concerning the Public Ferry from Hampton to Norfolk and for other purposes.

60. An act authorising Charles Scott to erect a Dam across an arm of Dan river, and for other purposes.

61. An act establishing a town in the county of Fauquier.—☞ Town of Paris established.

62. An act for altering the place of holding courts for the county of Cabell.

63. An act establishing an inspection of Flour in the town of Parkersburg.

64. An act to enlarge the town of

Darksville, in the county of Berkeley

65. An act concerning the town of Moorefield in the county of Hardy.

66. An act concerning the town of Romney, in the county of Hampshire.

67. An act authorising the widening of Concord Street in the borough of Norfolk.

68. An act concerning Thomas Ellmore.

69. An act concerning Patrick H. Fontaine.

70. An act authorising William Duval, trustee of Samuel Duval and his children, to sell certain Lands, and to vest the proceeds of the sale in other Lands for their benefit.

71. An act releasing to Mary Ann Margaret East the commonwealth's right to certain land therein mentioned.

72. An act vesting in Stephen H. Lacy the Commonwealth's right to the real estate whereof Peter Piernet died seized.

73. An act releasing to William Poston the Commonwealth's right to a certain tract of Land.

74. An act exonerating Jacob Peck from payment of the judgment therein mentioned.

75. An act placing Campbell M'Cauley on the Pension List.

76. An act concerning the Reverend William Harrison, of the town of Petersburg.

77. An act concerning Landon Carter.

78. An act concerning Pompey Branch, a free Black Man.

79. An act concerning Jingo and James Lott, free persons of colour.

80. An act concerning Hannah, the daughter of Samuel George, an old Soldier.

81. An act authorising sundry Persons of Colour therein named to enjoy their Freedom in this state.

82. An act concerning the town of Waterford, in the county of Loudoun.

83. An act establishing a Public Landing on James river in the county of Goochland, and for other purposes.

84. An act increasing the powers of the Trustees of the town of Portsmouth, in the county of Norfolk.

85. An act concerning the town of Portsmouth, in the county of Norfolk.

86. An act authorising the court of Rockbridge county to levy a sum of money for the purpose therein mentioned.

87. An act authorising the removal of the seat of justice in the county of Harrison.

88. An act concerning the town of Jeffersonville, in the county of Tazewell.

89. An act concerning Robert Berry and others.

90. An act concerning Allen Simpson.

91. An act concerning James Towles.

92. An act concerning John Maddux.

93. An act concerning Charles Town, in Brooke county.

94. An act releasing to sundry persons therein mentioned the commonwealth's right to certain Lands.

95. An act releasing to Hugh Kelso the right of the commonwealth to the Land therein mentioned.

96. An act concerning Thomas Annat.

97. An act placing Nicholas Reeder on the Pension List.

98. An act placing James Beck and Thomas Galford on the Pension List.

99. An act placing William Crow on the Pension List.

100. An act concerning Samuel Coleman.

101. An act concerning Adam Fleisher and others.

102. An act concerning Thomas Matthews.

103. An act authorising the Magistrates of the county of Chesterfield to regulate the assize of Bread in the town of Manchester.

104. An act establishing several Towns.—☞ Millsville in Loudoun, King Wood in Monongalia, and Newburn in Montgomery, established.

105. An act concerning the taxes due in Norfolk county for the year one thousand eight hundred and nine.

106. An act to alter the court days of the counties of Berkely and Jefferson.

107. An act exempting a number of inhabitants of the county of Brunswick

from the re-payment of certain taxes therein mentioned.

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37. An act appointing commissioners for the purpose of viewing certain rivers within this commonwealth.

38. An act to amend an act appointing commissioners to explore the upper navigation of James River.

39. An act to incorporate a company for the purpose of clearing out and rendering navigable Nottoway River.—☞ "The Nottoway Navigation Company" incorporated.

40. An act incorporating a company to establish a Turnpike from Lynchburg to Lewisburg.—☞ "The President and Directors of the Lynchburg and Lewisburg Turnpike Company" incorporated.

41. An act to amend an act entitled "an act incorporating a company to establish a Turnpike road from Fredericksburg to Swift Run Gap."

42. An act incorporating a Company to establish a Turnpike Road from the city of Richmond to Williamson's tavern.—☞ "The Brooke Turnpike Company" incorporated.

43. An act to amend an act, entitled an act, concerning the state road from the Upper Navigation of James River to Kanawha.

44. An act incorporating a Company to establish a Turnpike Road from Manassa's Gap in the county of Fauquier to the town of Middleburg, in the county of Loudoun.—☞ "The President, Directors and company of the Manassa's Gap Turnpike Company" incorporated.

45. An act incorporating a Company to establish a Turnpike from Harper's Ferry to Charlestown, in the county of

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51. An act authorising William McClung to build a Toll Bridge over Big Clear Creek.

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62. An act to amend an act, "authorising John Lynch, sen. to build a Toll Bridge across James River, at the town of Lynchburg, and for other purposes."—☞ "The President and Directors of the Lynchburg Toll-bridge Company" incorporated.

63. An act incorporating a Manufacturing Company in the counties of Nelson and Albemarle.—☞ "The Nelson and Albemarle Union Factory" incorporated.

64. An act to amend an act, entitled "an act to incorporate a Library company in the city of Richmond."

65. An act authorising the Overseers of the Poor of the counties of King and Queen and Essex to recover certain Plate belonging to the several Parishes in said counties.

66. An act concerning the Overseers of the Poor of the county of Prince William.

67. An act appropriating the money arising from the sale of the Glebe Lands of St. Paul's parish in the county of King George, to certain purposes therein mentioned.—☞ "The Trustees of the Free School (or schools) of St. Paul's Parish" incorporated.

68. An act establishing an Academy in the town of Lewisburg in the county of Greenbrier.—☞ "The Trustees of Lewisburg Academy in the county of Greenbrier" incorporated.

69. An act to appoint and incorporate Trustees for the Dinwiddie Academy.

70. An act incorporating the Trustees of an Academy in the county of Norfolk.—☞ "The Trustees of the Portsmouth Academy" incorporated.

71. An act authorising Thomas Macon to erect a Toll Bridge across the Rapid Ann River.

72. An act for more completely carrying into effect the purposes of an act entitled "an act for opening and extending certain streets in the town of Petersburg."

73. An act enlarging the town of Hampton.

74. An act extending Bermuda street in the Borough of Norfolk.

75. An act to amend an act, entitled "an act concerning Charles-Town in the county of Jefferson."

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77. An act concerning the town of Evansham in the county of Wythe.

78. An act establishing several Towns.—☞ Viz. Luray, in Shenandoah; Buchanan, in Botetourt; and Felixville in Cumberland.

79. An act establishing a town on the Lands of Alexander Boyd at the courthouse of Mecklenburg county.—☞ Boyd Town established.

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85. An act concerning the town of Stephensburg in the county of Frederick.

86. An act concerning the town of Fairfax, in the county of Culpeper.

87. An act to amend an act, entitled "an act appointing trustees of the town of Bath, in the county of Berkeley, and for other purposes therein mentioned, passed February 1st, 1808"

88. An act concerning the town of Harrisonburg, in the county of Rockingham.

89. An act establishing a separate election on the south side of the river Roanoke in the county of Mecklenburg.

90. An act concerning the public property near the Hay Market.

91. An act concerning the Constable for the city of Richmond, and for other purposes.

92. An act authorising the court of Grayson county to appoint persons to solemnize marriages in the said county.

93. An act confirming an act of the county court of Prince George, and declaring certain records thereof to be valid.

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99. An act releasing the right of the commonwealth to Samuel McClure, John White and William Roberts, to certain lands in Ohio county.

100. An act releasing to John Heaton the right of the commonwealth to a tract of land therein mentioned.

101. An act vesting in Joseph Kincaid the commonwealth's right to a tract of land therein mentioned.

102. An act releasing to John Flinn the right of the commonwealth to a tract of land therein mentioned.

103. An act releasing the commonwealth's claim to the estate of which Alexander Whitely died seized.

104. An act releasing to Moses and James Miller the commonwealth's

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105 An act releasing to James Douglas and Mary his wife, John M. Yates and Ann his wife, the commonwealth's right to a certain tract of land therein mentioned.

106. An act concerning the Widow and children of George W. Smith, deceased

107. An act concerning David L Burr.

108. An act concerning John Overall, agent for Carr Wilson Lane,

109. An act concerning Philip Turpin.

110. An act concerning Samuel Ford.

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TO THE

SUPPLEMENT

TO THE

SECOND VOLUME

OF THE

REVISED CODE.

☞ *The reader will observe that the numbering of pages* 103, 104, 105, 106, 107, 108, 109, 110, 111 *and* 112, *in the Supplement, is repeated, by a typographical error. To prevent confusion therefore, the* chapters *as well as* pages, *in that part of the book, are referred to in the Index.*]

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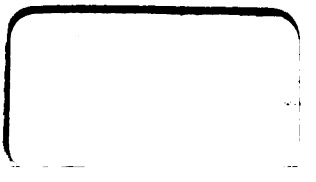
WE hereby certify that we have carefully compared the Laws contained in the Supplement to the 2d Volume of the Revised Code, as printed by Samuel Pleasants, with the original Laws, and found them truly and accurately printed, except the following *Errata*, and a few other inaccuracies too unimportant to be noted.

ERRATA.

Page 12. last line but one of 3d section; before "next" insert "the."
15. last line of 21st section; for "is" read "are."
16. 2d line of 5th section; for "actually," read "casually."
21. 4th line of 4th section; for "prescrib," read "prescribed."
27. ch. 20th, sec. 2d; after "from" insert "and after."
29. sec. 3d, line 24th; for "proceeding" read "proceedings."
38. ch. 44, sect. 1st, line 1st; for "in" read "all."
51. 6th line from the bottom; for "suditor," read "Auditor."
56. 5th line from the bottom, strike out "or hogsheads."
59. for "An act to amend *an* Act," read "An act to amend *the* Act."
79. sect. 5th, line 4th, for "sheriff," read "sheriffs."
89. line 10th, after "apply," insert "to."
90. line 4th from the bottom, for "exceeds," read "exceed."
90. line 8th from the bottom, for "improvement," read "improvements."
91. sect. 21st, for "law," read "act."
100. line 5th from the bottom, after "share," insert "shall."
104. chap. 82d, line 11th, for "provost," read provosts."
110. sect. 11th, line 4th, for "and *a*," read "and *the*."
108. chap. 112, sect. 2d, line 1st, for "or," read "and."
111. ch. 95th, sec. 10th, line 12th, for "the said clerk," read "the clerk."
113. ch. 96th, sec. 3d, line 4th, after "issue," insert "proper."
115. ch. 97th, line 19th, for "commissioner," read "commissioners."
130. line 6th from the bottom, strike out "with," and insert "with" in the next line before "Albemarle Sound."
133. line 7th, after "sum," insert "so."
140. sect. 18th, line 1st, for "it is," read "be it."
140. sec. 20th, line next to the last, for "canal," read "canals."

Given under our hands at Richmond, this eleventh day of July, in the year one thousand eight hundred and twelve.

WILLIAM MUNFORD,
WILLIAM HAY, jr.